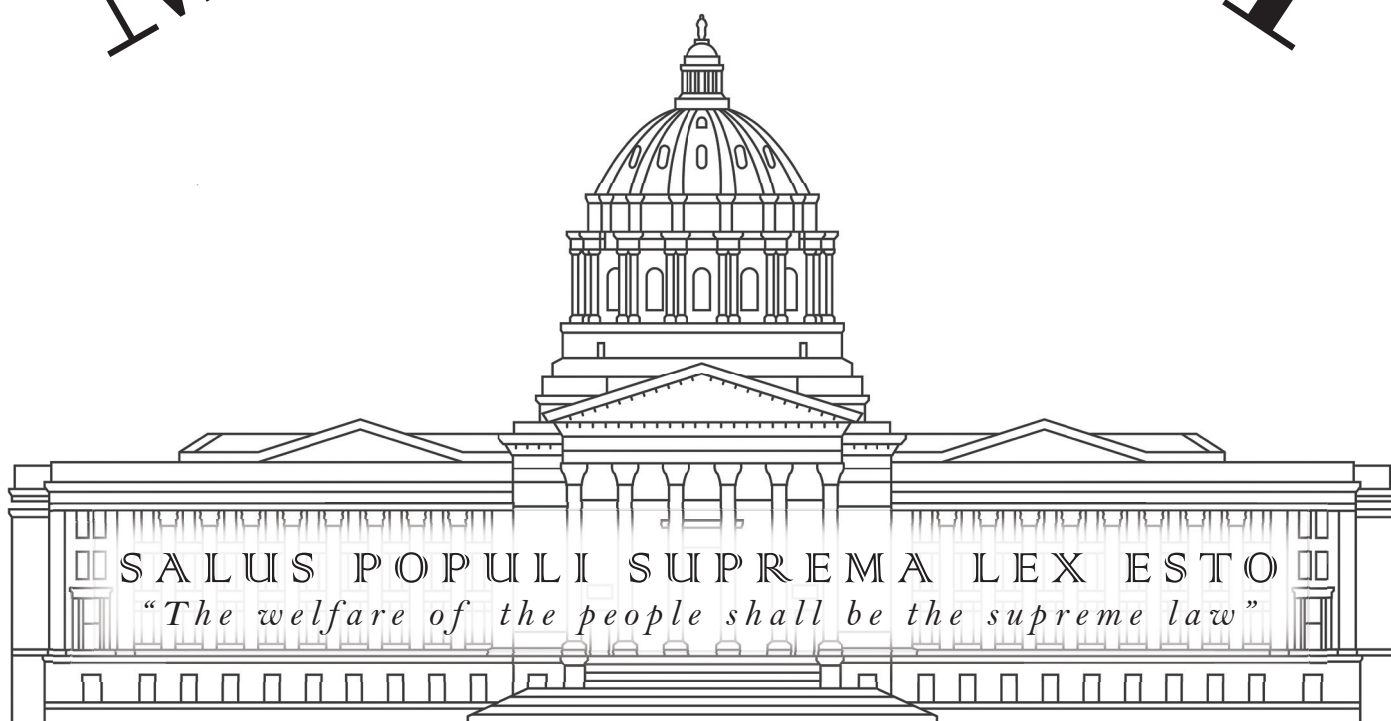


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REGISTER

John R. Ashcroft  Secretary of State

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please see the website at sos.mo.gov/adrules/pubsched.

HOW TO CITE RULES AND RSMO

RULES

The rules are codified in the *Code of State Regulations* in this system—

Title	CSR	Division	Chapter	Rule
3	<i>Code of</i>	10-	4	115
Department	<i>State</i>	Agency	General area	Specific area
	<i>Regulations</i>	division	regulated	regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation; for example, 3 CSR 10-4.115, NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

Code and Register on the Internet

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is sos.mo.gov/adrules/csr/csr

The *Register* address is sos.mo.gov/adrules/moreg/moreg

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the Missouri and the United States Constitutions; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) business days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the Missouri Register as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 70 – MO HealthNet Division
Chapter 3 – Conditions of Provider Participation,
Reimbursement, and Procedure of General
Applicability**

EMERGENCY AMENDMENT

13 CSR 70-3.200 Ambulance Service Reimbursement Allowance. MO HealthNet Division is amending sections (1) and (2) of this rule.

PURPOSE: This amendment is changing the tax base from gross receipts to emergency transport mileage.

EMERGENCY STATEMENT: This emergency amendment allows the MO HealthNet Division to change the ambulance service reimbursement allowance tax base effective October 1, 2022. On August 28, 2022, new statutes went into effect that removed gross receipts as the required tax base for the ambulance service reimbursement allowance. This emergency amendment is necessary to protect governmental interest as the ambulance service reimbursement allowance provides the state share for Medicaid services for eligible Missouri residents. As a result, MO HealthNet Division finds a compelling governmental interest,

which requires this emergency action. A proposed amendment covering the same material is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The MO HealthNet Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. The emergency amendment was filed Feb. 6, 2023, becomes effective Feb. 22, 2023, and expires Aug. 20, 2023.

(1) Ambulance *[S]service [R]reimbursement [A]allowance* shall be assessed as described in this section.

(A) Definitions.

1. Ambulance. Ambulance shall have the same meaning as such term is defined in section 190.100, RSMo.

2. Department. Department of Social Services.

3. Director. Director of the Department of Social Services.

4. Division. MO HealthNet Division.

5. *[Gross receipts]* **Emergency Transport Mileage.** Emergency ambulance *[revenue]* **mileage** from Medicare, Medicaid, insurance, and private payments received by an ambulance service licensed under section 190.109, RSMo (or by its predecessor in interest following a change of ownership). *[Revenue]* **Mileage** from CPT Code A0427/A0425 ambulance service, advanced life support, emergency transport, level 1 (ALS1-emergency)*], and associated ground mileage];* CPT Code A0429/A0425 ambulance services, basic life support, emergency transport (BLS-emergency)*], and associated ground mileage];* and CPT Code A0433/A0425 advanced life support, level 2 (ALS2)*], and associated ground mileage].*

6. Engaging in the business of providing ambulance services. Accepting payment for ambulance services as such term is defined in section 190.100, RSMo.

(B) Beginning October 1, 2013, each ground emergency ambulance services provider in this state, except for any ambulance service owned and operated by an entity owned and operated by the state of Missouri, including but not limited to any hospital owned or operated by the board of curators, as defined in Chapter 172, RSMo, or any department of the state, shall, in addition to all other fees and taxes now required or paid, pay an ambulance service reimbursement allowance for the privilege of engaging in the business of providing ambulance services as defined in section 190.100, RSMo. *[Gross receipts]* **Emergency transport mileage** shall be obtained by the division from *[a survey conducted]* **the providers** six (6) months after calendar year end (i.e., calendar year *[2012 gross receipts]* **2021** mileage will be obtained through an affidavit *[survey]* sent out by the state in *[2013]* **2022**). Collection of the ambulance service reimbursement allowance beginning October 1, *[2013]* **2022**, and thereafter each October 1, shall be based on *[gross receipts collected in]* **emergency transport mileage** from the prior calendar year. (i.e. October 1, *[2013]* **2022** shall be based on *[gross receipts collected in]* **emergency transport mileage** from calendar year *[2012]* **2021**).

1. The ambulance service reimbursement allowance owed for currently licensed emergency ambulance providers as defined in section 190.100, RSMo, shall be calculated by multiplying the ambulance service reimbursement allowance tax rate by the *[gross receipts]* **emergency transport mileage**, as defined above in paragraph (1)(A)5.

A. Exceptions.

(I) For emergency ambulance providers without reported *[survey the gross receipts]* data, **emergency transport mileage** used to determine the ambulance service reimbursement allowance shall be estimated as follows:

(a) Emergency ambulance providers shall be divided into quartiles based on total emergency ambulance transports;

(b) *[Gross receipts]* **Emergency transport mileage** shall be individually summed and divided by the total emergency ambulance transports in the quartile to yield an average *[gross receipt]* per emergency ambulance transport; and

(c) The number of emergency ambulance transports as reported to the Department of Health and Senior Services (Bureau of Emergency Medical Services (BEMS) data) as required by 19 CSR 30-40.375(3) for the emergency ambulance provider without reported *[survey]* data shall be multiplied by the average *[gross receipts per emergency ambulance transport]* **emergency transport mileage**.

2. Each ambulance provider shall submit an affidavit to the department with the following information:

A. Provider name;

B. Contact;

C. Telephone number;

D. Address;

E. Federal Tax ID number;

F. MO HealthNet provider number;

G. Emergency Transport Mileage; and

H. Gross receipts attributable to emergency ambulance revenue from Medicare, Medicaid, insurance, and private payments received by the ambulance service.

(C) The Department of Social Services shall provide each emergency ambulance provider with a final determination letter. The letter shall include emergency ambulance provider name, National Provider Identifier (NPI) number, total emergency *[ambulance gross receipts]* **transport mileage**, ambulance service reimbursement allowance tax rate, and annual tax amount.

1. Each emergency ambulance provider required to pay the ambulance service reimbursement allowance shall review the information in the letter and, if necessary, provide the department with correct information. If the information supplied by the department is incorrect, the emergency ambulance provider, within fifteen (15) calendar days of receiving the confirmation schedule, must notify the division and explain the corrections. If the division does not receive corrected information within fifteen (15) calendar days, it will be assumed to be correct, unless the emergency ambulance provider files a protest in accordance with subsection (1)(E) of this regulation.

(2) Ambulance *[S]service [R]reimbursement [A]allowance* Rate beginning October 1, *[2013] 2022*. The ambulance service reimbursement allowance rate beginning October 1, *[2013] 2022* determined by the division, as set forth in subsection (1) (B) above, is as follows:

(A) *[The ambulance service reimbursement allowance rate shall be three and seventy-four hundredths percent (3.74%) of gross receipts as determined in paragraph (1)(A)5. above with an aggregate annual adjustment, by the MO HealthNet Division, not to exceed one percent (1.0%) based on the ambulance services total gross receipts.]* **Beginning October 1, 2022, the tax rate will be one dollar and fifty-eight cents (\$1.58) per mile. MO HealthNet Division will have the discretion to adjust the tax rate on a quarterly basis.** No ambulance service reimbursement allowance shall be collected by the Department of Social Services if the federal Centers for Medicare and Medicaid Services (CMS) determines that such reimbursement allowance is not authorized under Title XIX of

the Social Security Act~~[.]~~; and

(B) For each year (October thru September), the total tax amount collected shall not exceed six percent (6%) of emergency ambulance gross receipts in the aggregate as reported in paragraph (1)(B)2.H.

AUTHORITY: sections 190.836 [and], 208.201, and 660.017 RSMo [Supp. 2013] 2016, and section 190.815, RSMo Supp. 2022. Original rule filed March 19, 2010, effective Nov. 30, 2010. Amended: Filed Oct. 10, 2013, effective April 30, 2014. Emergency amendment filed Feb. 06, 2023, effective Feb. 22, 2023, expires Aug. 20 2023. A proposed amendment covering this same material is published in this issue of the Missouri Register.

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

The text of proposed rules and changes will appear under this heading. A notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This explanation is set out in the PURPOSE section of each rule. A citation of the legal authority to make rules is also required, and appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules that are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close-of-comments date will be used as the beginning day in the ninety- (90-) day count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice, file a new notice of proposed rulemaking, and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**TITLE 1 – OFFICE OF ADMINISTRATION
Division 10 – Commissioner of Administration
Chapter 8 – Direct Deposit of Payroll Requirements**

PROPOSED AMENDMENT

1 CSR 10-8.010 Direct Deposit of Payroll Requirements. The commissioner is amending sections (1)-(4) and adding a new section (6).

RULE PURPOSE: This amendment updates the rule to reflect that the Office of Administration will no longer provide banking options for state employees through state contracts and employees will no longer be limited to pay card options selected by the Office of Administration. The amendment also removes references to an outdated form.

(1) *[Effective January 1, 2008, a]* All employees *[that]* who are expected to be employed for longer than three (3) months *[will]*

shall participate in the state Payroll Direct Deposit program as a condition of employment **except as otherwise authorized herein**. Employees are allowed to select the financial institution that will receive the direct deposit. Departments may temporarily or permanently waive application of this section for individuals or classes of individuals with approval from the commissioner of administration or his **or her** designee.

(2) Employees will complete a Payroll **and Employee Reimbursement** Direct Deposit application form *[(MO 300-1269N)]* to participate. The completed application authorizes the Office of Administration to deposit (credit) the employee's net pay into a designated checking or savings account. It also authorizes an employee's account to be debited only when an error has occurred in a payment to the employee. The Payroll **and Employee Reimbursement** Direct Deposit form *[(MO 300-1269N) (11-02) which has been]* **(11-22)** is incorporated by reference *[is]* **and** maintained by the Missouri Office of Administration, PO Box 809, Jefferson City, MO 65102. This form does not include any amendments or additions *[to the form. The form]* **and** is available at the Office of Administration or online at *[http://www.mo.gov/mo/samii/hr/hrp&p/ddapp.pdf]* **https://oa.mo.gov/accounting/state-employees/direct-deposit** or by mailing a written request to the Missouri Office of Administration, PO Box 809, Jefferson City, MO 65102.

(3) *[Departments forward the Payroll Direct Deposit application forms to the]* **State agency payroll offices shall forward the completed application to the Office of Administration's** Division of Accounting *[as the information is received in the agency payroll office]*. Payroll Direct Deposit of the employee's net pay will begin the pay cycle following the acceptance of a properly completed application *[form]* and the successful processing of a test transaction through the banking system.

(4) If an employee does not have a checking or savings account, *[the state has made available through banking contracts, choices of banks that will assist in setting up an account. If the employee chooses not to open a checking or savings account,]* **the employee may complete the required application using a pay[roll] card account [may be] selected [upon approval] by the [Office of Administration] employee, provided that the pay card vendor must accept both debits and credits as determined by the Office of Administration. The employee is responsible for establishing his or her own pay card account.** Agencies will follow the policies established by the commissioner of administration.

(6) State employee pay cards are "accounts in financial institutions" as that phrase is used in section 33.155, RSMo.

AUTHORITY: section 33.155, RSMo 2016. Emergency rule filed July 17, 1990, effective Aug. 28, 1990, expired Dec. 24, 1990. Original rule filed July 17, 1990, effective Dec. 31, 1990. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 6, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Administration, PO Box 809, Jefferson City, MO 65102. To

*be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

TITLE 1 – OFFICE OF ADMINISTRATION
Division 20 – Personnel Advisory Board and Division
of Personnel
Chapter 3 – Personnel Selection, Appointment,
Evaluation and Separation

PROPOSED AMENDMENT

1 CSR 20-3.070 Separation, Suspension, and Demotion. The Personnel Advisory Board is amending sections (1), (3), and (4).

PURPOSE: This amendment provides that this rule does not prohibit employing agencies from bargaining over certain employment terms.

(1) Layoffs in the classified service shall be administered by each respective appointing authority based on the needs of the service. **This section does not prevent an employing agency from bargaining over a layoff procedure based on seniority, so long as no terms affect the employing agency's right to terminate at will non-regular employees.**

(3) Suspension. An appointing authority, for disciplinary purposes, may suspend, without pay, any employee in his/her division. A suspension may be made for a length of time as s/he considers appropriate, not exceeding twenty (20) working days in any twelve- (12-) month period except that this limitation shall not apply in the event of a terminal suspension given in conjunction with a dismissal or discharge; a suspension given in connection with a criminal offense involving the use of a controlled substance; or, with the approval of the director, a suspension made pending the investigation or trial of any charges against the employee (see section 36.370, RSMo). Employees enumerated in 1 CSR 20-5.010(1)(C) and (D) and designated as exempt from the overtime requirements of the Fair Labor Standards Act shall not be suspended from duty without pay for disciplinary purposes unless the said suspension is for one (1) or more full workdays.

(B) Any employee covered under section 36.030.1(2), RSMo, being suspended for a period of five (5) workdays or less shall be given a statement in writing specifically setting forth the reasons for the suspension. A copy of that statement shall be furnished to the director. No suspension of a regular employee for a period of five (5) days or less shall take effect unless, prior to the effective date, the appointing authority gives to the employee a written statement setting forth in substance the reason and gives the employee an opportunity to respond to the reason. Employees not covered under section 36.030.1(2), RSMo, do not have the right to notice, opportunity to be heard, or appeal from a suspension. **This section does not prevent an employing agency from bargaining over for-cause protections for suspensions, so long as no terms affect the employing agency's right to terminate at will non-regular employees.**

(4) Demotions. An appointing authority may demote an employee in accordance with the following:

(A) No demotion for cause of a regular employee shall take effect unless, prior to the effective date, the appointing authority gives to the employee a written statement setting forth in substance the reason, informs the employee of appeal rights, provides the employee with a copy of the form for

appeal to the administrative hearing commission, provides the employee with an opportunity to respond to the reason prior to the effective date, and files a copy of the statement of the reason with the director. Any regular employee who is involuntarily demoted for cause may appeal in writing to the administrative hearing commission within thirty (30) days after the effective date thereof setting forth in substance reasons for claiming that the demotion was for political, religious, or racial reasons or not for the good of the service. Employees not covered under section 36.030.1(2), RSMo, do not have the right to notice, opportunity to be heard, or appeal from a demotion and may be demoted for no reason or any reason not prohibited by law. **This section does not prevent an employing agency from bargaining over for-cause protections for demotions, so long as no terms affect the employing agency's right to terminate at will non-regular employees; and**

*AUTHORITY: sections 36.025 and 36.070, RSMo Supp. [2018] 2022. Original rule filed July 9, 1947, effective July 19, 1947. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 3, 2023.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Personnel Advisory Board, Attn: Alyssa Bish, Secretary, 301 W. High St., Room 430, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

TITLE 1 – OFFICE OF ADMINISTRATION
Division 20 – Personnel Advisory Board and Division
of Personnel
Chapter 4 – Appeals, Investigations, Hearings and
Grievances

PROPOSED AMENDMENT

1 CSR 20-4.020 Grievance Procedures. The Personnel Advisory Board is amending section (1).

PURPOSE: This amendment removes prohibitions on state agencies' ability to establish grievance procedures for employees to grieve certain employment actions.

(1) Prohibited Grievance Procedures.

(A) No state agency may establish a grievance procedure permitting a state employee, including a part-time employee, other than a regular employee, to grieve [:

1. Any of the following, however any of the same may be denominated, imposed by an appointing authority or anyone acting on the appointing authority's behalf:

A. Discipline;

B. Suspension;

C. Demotion;

D. Notice of unacceptable conduct or conditional employment;

E. Leave denial;

F. Transfer;
G. Shift change;
H. Reprimand;
I. Furlough; or

J. Any employment action that could be alleged to have an adverse financial impact on a state employee] a dismissal or any other action that would limit the right to terminate employment at will.

(C) The foregoing prohibitions shall not apply to grievance procedures that allow for the presentation of allegations that [one (1) of the types of employment actions described in subsection (1)(A)] a dismissal or any other employment action was taken for a reason prohibited by law.

(F) The grievance procedure found in sections (2)–(4) of this rule shall not apply to state employees, including part-time employees, other than regular employees. **This section does not prevent an employing agency from bargaining over a grievance procedure addressing employment actions other than dismissal, so long as no terms affect the employing agency’s right to terminate at will non-regular employees.**

AUTHORITY: sections 36.025 and 36.070, RSMo Supp. [2018] 2022. Original rule filed Dec. 8, 1975, effective Dec. 19, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 3, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Personnel Advisory Board, Attn: Alyssa Bish, Secretary, 301 W. High St., Room 430, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**TITLE 1 – OFFICE OF ADMINISTRATION
Division 60 – Joint Oversight Task Force for
Prescription Drug Monitoring
Chapter 1 – Registration**

PROPOSED RULE

1 CSR 60-1.010 Registration for Prescription Drug Monitoring Program

PURPOSE: This rule provides for the registration of dispensers and health care providers to receive access to the Missouri prescription drug monitoring program (PDMP) administered by the Joint Oversight Task Force for Prescription Drug Monitoring.

(1) As used in this section, the following terms shall mean –

(A) “Prescriber,” a licensed health care professional with controlled substance authority per section 195.070, RSMo;
(B) “Dispenser,” as defined in section 195.600.1(2), RSMo; and
(C) “Other Health Care Provider” or “Delegate,” a health care professional licensed, accredited, or certified by the state of Missouri acting under the supervision of a prescriber or dispenser, employed by, or under the same professional practice as the prescriber or dispenser.

(2) Prescribers and dispensers include the following:

(A) Advanced Practice Registered Nurse;
(B) Assistant Physician;
(C) Dentist;
(D) Optometrist;
(E) Pharmacist;
(F) Physician;
(G) Physician Assistant; and
(H) Podiatrist.

(3) Other health care providers or delegates include the following:

(A) Clinical Nurse Specialist;
(B) Dental Hygienist;
(C) Licensed Practical Nurse;
(D) Medical Assistant;
(E) Medical Intern;
(F) Medical Resident;
(G) Pharmacy Intern;
(H) Pharmacy Technician; and
(I) Registered Nurse.

(4) Each dispenser required by section 195.600.5, RSMo, to submit dispensation information for Schedules II, III, and IV controlled substances shall register with the PDMP.

(5) All prescribers may register with the PDMP.

(6) Registration is to be completed by following the process provided by the Joint Oversight Task Force for Prescription Drug Monitoring.

(7) Prescribers and dispensers with approved access to the PDMP may authorize other health care providers or delegates to utilize their access to the PDMP.

(8) Prescribers, dispensers, and delegates with access to the PDMP shall follow all applicable state and federal laws, including but not limited to the Health Insurance Portability and Accountability Act (HIPAA) as provided for under section 195.600.7(1), RSMo, and the Health Information Technology for Economic and Clinical Health Act (HITECH).

AUTHORITY: section 195.600, RSMo Supp. 2022. Original rule filed Feb. 2, 2023.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Administration, Attention: Dean Linneman, PO Box 809, Jefferson City, MO 65102-0809. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**TITLE 2 – DEPARTMENT OF AGRICULTURE
Division 30 – Animal Health
Chapter 1 – Organization and Description**

PROPOSED AMENDMENT

2 CSR 30-1.010 General Organization. The director is amending sections (1), (2), and (3).

PURPOSE: This amendment provides clarification on location and names of all animal health laboratories and state veterinarian's office location.

(1) The Division of Animal Health is a unit of the Department of Agriculture, state of Missouri. The animal health [program's] **division's** primary responsibility is to control and eradicate livestock diseases to insure optimum health of Missouri's livestock population. This responsibility is carried out through various [sub]programs such as disease control and eradication, animal health laboratories, [livestock market licensing and surveillance registration of livestock dealers, rendering plant licensing and dead animal surveillance and registration of livestock brands] **livestock market and dealer registration, rendering plant licensing, meat and poultry inspection, registration of livestock brands, and dead animal surveillance.**

(2) The state veterinarian's office is [in the Department of Agriculture on the 3rd floor of the Missouri Boulevard Staff] **housed within the George Washington Carver State Office Building located at 1616 Missouri Boulevard, Jefferson City, MO 65102.**

(3) Two (2) laboratories are maintained by the state veterinarian's office and are located at the following addresses [Veterinary Diagnostic Laboratory]: **Animal Health Diagnostic Laboratory, 101 North Chestnut, Jefferson City, MO 65101; [Post Office Box 630, Jefferson City, MO 65102;] and [Veterinary Diagnostic Laboratory] Animal Health Diagnostic Laboratory, 701 North Miller Avenue, Post Office Box 2510, Springfield, MO 65802-2510.**

AUTHORITY: section 536.023, RSMo [Supp. 2010] 2016. Original rule filed April 9, 1976, effective July 15, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 10, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COSTS: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment online at <https://agriculture.mo.gov/proposed-rules/> or by mail at Missouri Department of Agriculture, ATTN: Dr. Steve Strubberg, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**TITLE 2 – DEPARTMENT OF AGRICULTURE
Division 30 – Animal Health
Chapter 1 – Organization and
Description**

PROPOSED AMENDMENT

2 CSR 30-1.020 Laboratory Services and Fees. The director is amending the purpose and sections (1) and (2).

PURPOSE: This amendment updates fees charged for laboratory services.

*PURPOSE: This rule establishes fees charged for laboratory services performed by Animal Health **Diagnostic** Laboratories.*

(1) The Animal Health Diagnostic Laboratories are operated by and under the direction of the state veterinarian. The mailing addresses of the Animal Health **Diagnostic** Laboratories are as follows:

(A) [Cooperative State & Federal Veterinary Diagnostic Laboratory, 216 El Mercado Plaza, PO Box 630, Jefferson City, MO 65109] **Animal Health Diagnostic Laboratory, 101 North Chestnut Street, Jefferson City, MO 65102; and**

(B) [Veterinary Diagnostic Laboratory] **Animal Health Diagnostic Laboratory, 701 North Miller Avenue, PO Box 2510, Springfield, MO 65802-2510.**

[(2) No fees will be charged for tests for diseases which are included in a state and federal cooperative program. Fees for nonprogram services performed at the Animal Health Laboratories are as follows:

(A) Pathology—

1. Necropsy—

A. Gross Necropsy Exam Fee \$32.00

B. Necropsy Bacterial Culture \$55.00

C. Necropsy Exam Fee including Histopathology, Virology, Serology, Bacteriology (excluding Toxicology) \$92.00

D. Fresh Tissue Exam Fee including Histopathology, Virology, Serology, Bacteriology (excluding Toxicology) \$95.00

2. Histopathology—

A. Biopsy or Mailed-in Tissue Fee (per case) \$44.50

B. Immunoperoxidase Stains Fee (per slide) \$10.00

C. Special Procedures Fee Inquire

(B) Bacteriology—

1. Microscopic Examination of Specimen Fee (acid fast stain, dark field, phase, and the like) \$ 7.00

2. Abortion Screen Fee \$32.50

3. Bacterial Culture (except blood) Isolation and Identification Fee (per sample) \$17.00

4. Anaerobic Bacterial Culture Fee (per sample) \$19.00

5. Blood Culture Fee (per sample) \$27.00

6. Joint Aspirate Cultures Fee (per sample) \$27.00

7. Antimicrobial Susceptibility Test Fee \$20.50

8. Johne's Culture Fee \$16.00

9. Canine, Bovine or Porcine Enteric Screen Fee (per sample) \$35.50

10. Mammalian Mycoplasma Isolation Fee \$15.00

11. Fungal Culture Fee \$19.00

12. FA Screen for Clostridium spp Fee \$29.00

13. Custom Testing Procedures Fee Inquire

14. Aerobic Culture plus Salmonella Screen Fee \$21.00

15. Characterization of Enterotoxigenic E. coli (call lab for additional

information)		(per sample)	\$ 6.25
16. <i>Fimbriae (pili) Typing and Toxin Testing Fee—seven (7) days for DNA probe assay</i>	\$20.00	26. <i>Feline Infectious Peritonitis (ELISA) Fee (per sample)</i>	\$ 5.00
17. <i>In vitro Cell Adherence and Invasive Assay Fee—seven to ten (7–10) days</i>	\$20.00	27. <i>Feline Immunodeficiency Virus (ELISA) Fee (per sample)</i>	\$18.50
18. <i>Milk Culture and Sensitivity</i>	\$24.00	28. <i>Feline Leukemia (ELISA) Fee (per sample)</i>	\$18.50
19. <i>Brucella canis Culture</i>	\$8.00	29. <i>Haemophilus somnus MAT Fee (per sample)</i>	\$ 5.00
20. <i>Johne's PCR, DNA Probe</i>	\$25.00	30. <i>Histoplasmosis (LA and AGID) Fee (per sample)</i>	\$ 6.25
21. <i>Johne's Pooling (per sample)</i>	\$30.00	31. <i>IBR (SN) Fee (per sample)</i>	\$ 6.25
(C) <i>Virology—</i>		32. <i>Johne's (CF) Fee</i>	\$ 4.00
1. <i>Virus Isolation in Cell Culture Fee (intravenous test for bluetongue excluded)</i>	\$21.50	33. <i>Johne's (ELISA) Fee (per sample)</i>	\$ 4.00
2. <i>Fluorescent Antibody Examination Fee</i>	\$12.75	34. <i>Leptospirosis Dark Field Fee (per sample)</i>	\$ 6.25
3. <i>Electron Microscopy Fee—negative stain</i>	\$16.00	35. <i>Leptospirosis—6 Serovars (MA) Fee (per sample)</i>	\$ 6.25
4. <i>Chlamydia Isolation or ELISA Fee</i>	\$10.00	36. <i>Lyme Disease (ELISA) Fee (per sample)</i>	\$ 5.00
5. <i>Canine Parvovirus (ELISA) Fee</i>	\$10.00	37. <i>Ovine Progressive Pneumonia (OPP) (AGID) Fee (per sample)</i>	\$ 4.25
(D) <i>Serology—</i>		38. <i>PI 3 (SN) Fee (per sample)</i>	\$ 6.25
1. <i>Anaplasmosis (CF) Fee (per sample)</i>	\$ 5.00	39. <i>Porcine parvovirus (HAI) Fee (per sample)</i>	\$ 4.25
2. <i>Anaplasmosis Card Test Fee (per sample)</i>	\$ 5.00	40. <i>Porcine Resp. Reprod. Syn. (PRRS) (IFA) Fee (per sample)</i>	\$ 3.50
3. <i>Anaplasmosis (ELISA) Test (per sample)</i>	\$ 5.00	41. <i>Swine Influenza (HAI) Fee (per sample)</i>	\$ 4.25
4. <i>Blastomycosis (AGID) Fee (per sample)</i>	\$ 5.00	42. <i>TGE (SN) Fee (per sample)</i>	\$ 6.25
5. <i>Bluetongue (ELISA) Fee (per sample)</i>	\$ 5.00	43. <i>Toxoplasmosis (Latex) Fee (per sample)</i>	\$ 5.00
6. <i>Bluetongue (AGID) Fee (per sample)</i>	\$ 5.00	44. <i>Vesicular Stomatitis-Indiana (SN) Fee (per sample)</i>	\$ 6.25
7. <i>Bovine Leukosis (AGID) Fee (per sample)</i>	\$ 4.00	45. <i>Vesicular Stomatitis-New Jersey (SN) Fee (per sample)</i>	\$ 6.25
8. <i>Bovine Leukosis (ELISA) Fee (per sample)</i>	\$ 4.00	46. <i>Other Procedures Fee</i>	Inquire
9. <i>BRSV (SN) Fee (per sample)</i>	\$ 6.25	47. <i>PRRS (ELISA)</i>	\$ 3.50
10. <i>Brucella canis (Card) Fee (per sample)</i>	\$ 5.00	48. <i>PRV (ELISA/Latex/SN) (per sample)</i>	\$ 2.00
11. <i>BVD (SN) Fee (per sample)</i>	\$ 6.25	49. <i>IBR (ELISA)</i>	\$ 3.00
12. <i>CAE (AGID) Fee (per sample)</i>	\$ 4.25	50. <i>Canine Brucellosis Tube Agg. (TAT) (1–10 samples)</i>	\$ 5.00
13. <i>Canine Distemper (IFA) Fee (per sample)</i>	\$18.50	51. <i>Canine Brucellosis Tube Agg. (TAT) (11 or more samples)</i>	\$ 3.00
14. <i>Canine Heartworm (ELISA) Fee (per sample)</i>	\$ 6.25	52. <i>West Nile (ELISA)</i>	\$10.00
15. <i>Coccidioidomycosis (LA and AGID) Fee (per sample)</i>	\$ 6.25	(E) <i>Toxicology—</i>	
16. <i>Cryptococcus LA Fee (per sample)</i>	\$ 6.25	1. <i>Aflatoxin Fee (feed)</i>	\$30.00
17. <i>EIA (AGID) Fee (per sample)</i>	\$ 3.00	2. <i>Alkaloid Screen Fee (strychnine, nicotine, and caffeine)</i>	\$22.00
18. <i>EIA (ELISA) Fee (per sample)</i>	\$ 5.00	3. <i>Ammonia Fee (rumen contents, serum)</i>	\$22.00
19. <i>Ehrlichia canis (IFA) Fee (per sample)</i>	\$18.50	4. <i>Anticoagulant Screen Fee (warfarin, brodifacoum, etc. in bait)</i>	\$15.00
20. <i>Ehrlichia equi (IFA) Fee (per sample)</i>	\$15.00	5. <i>Arsenic-Arsine Fee (tissues, gut contents, bait)</i>	\$27.00
21. <i>Ehrlichia risticii (IFA) Fee (per sample)</i>	\$18.50	6. <i>Arsenic-Reinsch Fee (tissue, gut contents, bait)</i>	\$ 5.00
22. <i>EHVD (AGID) Fee (per sample)</i>	\$ 4.25	7. <i>Calcium Fee (serum)</i>	\$16.00
23. <i>Encephalomyocarditis (SN) Fee (per sample)</i>	\$ 3.00	8. <i>Carbamates Fee (gut contents)</i>	\$43.00
24. <i>Equine Rhinopneumonitis (SN) Fee (per sample)</i>	\$ 6.25	9. <i>Chlorinated Hydrocarbon Pesticides Fee (brain, gut</i>	
25. <i>Equine Viral Arteritis (SN) Fee</i>			

contents)	\$33.00	2. Necropsy Bacterial Culture	\$35.00
10. Cholinesterase Activity Fee (heparinized blood, brain)	\$22.00	3. Avian Necropsy Fee including Histopathology, Serology, Virology, Bacteriology (excluding Toxicology)	\$65.00
11. Citrinin Fee (feed)	\$22.00	4. AGID Avian Influenza Fee	\$ 1.00
12. Copper Fee (blood, tissues)	\$16.00	5. AGID Hemorrhagic Enteritis Fee	\$ 1.00
13. Cyanide Fee (rumen contents, blood, plant material)	\$16.00	6. Virus Isolation in Cell Culture Fee	\$21.50
14. DAS Fee (feed)	\$10.00	7. Virus Isolation in Fertile Eggs Fee	\$21.50
15. Drug Screen Fee (urine, serum)	\$42.00	8. Avian Mycoplasma Culture Fee	\$15.00
16. Ergot Alkaloids Fee (feed)	\$55.00	9. Avian Fungal Culture Fee (litter)	\$14.00
17. Ergovaline Fee (fescue)	\$50.00	10. Hatchery Fluff Bacterial Counts Fee	\$10.00
18. Ethylene Glycol Fee (urine, serum)	\$15.00	11. MG HI Serology Fee	\$.75
19. Fumonisin Fee (feed)	\$30.00	12. MS HI Serology Fee	\$.75
20. Herbicides Fee (gut contents)	\$25.00	13. MM HI Serology Fee	\$.75
21. Ionophore Screen Fee (feed)	\$16.00	14. MG Rapid Plate Test or ELISA Fee	\$.40
22. Iron Fee (serum/liver)	\$16.00	15. MS Rapid Plate Test or ELISA Fee	\$.40
23. Lasalocid Fee (feed)	\$15.00	16. MM Rapid Plate Test or ELISA Fee	\$.40
24. Lead Fee (heparinized blood)	\$16.00	17. Newcastle Disease Virus HI Serology Fee	\$ 1.50
25. Lead Fee (tissue)	\$15.00	18. IBV HI Serology Fee	\$.35
26. Magnesium Fee (serum, urine, aqueous humor)	\$16.00	19. Fowl Cholera Microagglutination Test Fee	\$ 2.00
27. Molybdenum Fee (liver)	\$15.00	20. Salmonella Pullorum Rapid Plate Test Fee	\$.10
28. Monensin Fee (feed, gut contents)	\$15.00	21. Salmonella Pullorum Tube Agglutination Test Fee	\$.25
29. Mycotoxin Screen Fee— aflatoxin, T-2 toxin, DAS, ochratoxin A, zearalenone, vomitoxin, citrinin, sterigmatocystin (feed)	\$33.00	22. Salmonella Typhimurium Tube Agglutination Test Fee	\$.25
30. Narasin Fee (feed)	\$15.00	23. NPIP Salmonella Screen	\$10.00
31. Nicotine Fee (gut contents, urine)	\$15.00	24. API	Inquire
32. Nitrates and Nitrites Fee (body fluid)	\$25.00	25. Newcastle (ELISA)	\$ 1.50
33. Nitrates and Nitrites Fee (feed)	\$22.00	26. Bordetella (ELISA)	\$ 1.00
34. Nitrates and Nitrites Fee (spot test)	\$ 7.00	27. Mycoplasma PCR, DNA Probe	\$26.75
35. Nitrates and Nitrites Fee (water)	\$10.00	28. Hemorrhagic Enteritis ELISA	\$ 1.00
36. Ochratoxin A Fee (feed)	\$22.00	29. ELISA Avian Influenza Fee (per sample)	\$ 3.00
37. Oosporein Fee (feed)	\$30.00	30. Salmonella Pullorum Microtiter Fee (per sample)	\$.10
38. Organophosphate Pesticides Fee (gut contents, feed)	\$33.00	31. Avian Influenza Antigen Detection Fee (per test)	\$12.00
39. Pesticide Screen Fee (gut contents, feed, tissue)	\$40.00	(G) Clinical Pathology—	
40. pH Fee (rumen contents)	\$16.00	1. Chemistry Profiles (serum)—	
41. Poisonous Plant Identification Fee	\$16.00	A. Avian Profile Fee	\$27.00
42. Potassium Fee (serum)	\$ 4.00	B. Equine Maxi Profile Fee	\$27.00
43. Salinomycin Fee (feed)	\$15.00	C. Equine Mini Profile Fee	\$18.50
44. Salt Fee (feed)	\$10.00	D. Food Animal Maxi Profile Fee	\$27.00
45. Selenium Fee (blood, liver)	\$27.00	E. Food Animal Mini Profile Fee	\$18.50
46. Sterigmatocystin Fee (feed)	\$22.00	F. Large Animal Liver Profile Fee	\$13.50
47. Sulfa-Drugs Fee (urine)	\$15.00	G. Small Animal Liver Profile Fee	\$16.00
48. Sulfates Fee (water)	\$10.00	H. Small Animal Maxi Panel Fee	\$21.50
49. T-2 Toxin Fee (feed)	\$10.00	I. Small Animal Mini Panel Fee	\$18.50
50. Urea Fee (feed, rumen contents)	\$15.00	J. Surgery Panel Serum Biochemistry Fee	\$ 5.50
51. Vitamin A Fee (serum)	\$15.00	2. Chemistries (serum)—	
52. Vitamin E Fee (serum)	\$16.00	A. Albumin Fee	\$ 4.00
53. Vomitoxin Fee (feed)	\$30.00	B. ALP/SAP Fee	\$ 4.00
54. Warfarin Fee (liver)	\$15.00	C. ALT/GPT Fee	\$ 4.00
55. Zearalenone Fee (feed)	\$30.00	D. Amylase Test Fee	\$ 4.00
56. Zinc Fee (serum, liver)	\$16.00	E. AST/GOT Fee	\$ 4.00
57. Prussic Acid (Qualitative)	\$ 5.00	F. Bile Acid—Single Sample Fee	\$ 8.00
58. Nitrates (Qualitative)	\$ 5.00	G. Bile Acid—Pre- and Post-Sample Fee	\$36.00
(F) Avian—		H. Bilirubin, Direct Fee	\$ 4.00
1. Avian Gross Necropsy Only Fee	\$20.00	I. Bilirubin, Total Fee	\$ 4.00

J. BUN Fee	\$ 4.00	4. Equine Progesterone Target Test	\$20.00
K. Calcium Fee	\$ 4.00	5. Pullorum Testing Equipment and Antigen	Inquire
L. Cholesterol Fee	\$ 4.00	6. Milk Quality Control (per sample)	\$ 4.00
M. CK/CPK Fee	\$ 4.00	7. Generic E-Coli Surveillance	\$18.00
N. Chloride Fee	\$ 4.00	8. Copies of Test Charts	\$.25]
O. TCO2Fee	\$ 4.00		
P. Creatinine Fee	\$ 4.00		
Q. GGT/GGTP Fee	\$ 4.00	(2) No fees will be charged for tests for diseases which are included in a state and federal cooperative program. Fees for nonprogram services performed at the Animal Health Diagnostic Laboratories are as follows:	
R. Glucose Fee	\$ 4.00	(A) Pathology –	
S. Lipase Fee	\$13.00	1. Necropsy–	
T. Osmolality Fee	\$15.00	A. Gross Necropsy Exam	\$55.00
U. Phosphorus, Inorganic Fee	\$ 4.00	B. Gross Necropsy with Bacterial Culture	\$68.25
V. Potassium Fee	\$ 4.00	C. Special Procedures	Inquire
W. Protein, Serum Electrophoresis Fee	\$10.00	(B) Bacteriology –	
X. Protein, Total Fee	\$ 4.00	1. Aerobic Bacterial Culture (except blood)	\$21.00
Y. Sodium Fee	\$ 4.00	2. Aerobic Culture plus Salmonella Screen	\$22.05
Z. SDH Fee	\$ 5.00	3. Anaerobic Bacterial Culture (per sample)	\$26.25
AA. Triglyceride Fee	\$ 4.00	4. Antimicrobial Susceptibility	\$21.55
BB. Uric Acid Fee	\$ 4.00	5. Brucella canis Culture	\$12.60
3. Hematology—		6. Fungal Culture	\$19.95
A. CBC or WBC	\$14.00	7. Isolation and Identification (per sample)	\$15.00
B. CBC, Large Animal Fee	\$18.00	8. Johne's Culture	\$18.90
C. Coulter Profile Fee	\$ 5.00	9. Milk Culture and Sensitivity	\$25.20
D. Pack Cell Volume Fee	\$ 3.00	10. Mycoplasma Culture	\$36.75
E. Pack Cell Volume and pTP Fee	\$ 5.00	(C) Molecular Diagnostics	
F. Blood Smear Exam Fee (slide)	\$ 7.00	1. Avian Influenza PCR	\$21.00
G. Buffy Coat Fee	\$21.50	2. African Swine Fever PCR	\$20.00
H. Coombs Fee (direct)	\$21.50	3. Classical Swine Fever PCR	\$20.00
I. Bone Marrow Evaluation Fee	\$12.00	4. Foot & Mouth Disease PCR	\$20.00
J. Knotts Test Fee (Microfilaria)	\$11.00	5. Johne's PCR, DNA Probe	\$26.25
K. Activated Partial Thromboplastin Time Fee (APTT)	\$ 5.00	6. Johne's Pooling (per sample)	\$31.50
L. Prothrombin Time Fee (PT)	\$13.00	7. Newcastle Disease Virus PCR	\$21.00
M. Platelet Count Fee	\$ 7.00	8. Salmonella PCR	\$21.00
N. pTP Fee	\$ 2.00	9. Tritrichomonas Foetus PCR	\$26.25
O. Reticulocyte Count Fee	\$ 8.00	10. Tritrichomonas Foetus PCR Pooling	\$31.50
4. Urinalysis—		(D) Serology –	
A. Calculus Analysis Fee	\$ 8.00	1. Anaplasmosis ELISA (per sample)	\$ 5.25
B. Specific Gravity Fee	\$ 2.00	2. Bluetongue ELISA (per sample)	\$ 5.25
C. Urinalysis—Complete Fee	\$ 8.00	3. Bovine Leukosis ELISA (per sample)	\$ 5.25
D. Urinalysis—Sediment Only Fee	\$ 4.00	4. Bovine Pregnancy ELISA (1-4 samples)	\$ 5.25
E. BUN Fee	\$ 4.00	5. Bovine Pregnancy ELISA (5 or more)	\$ 3.20
F. Creatinine Fee	\$ 4.00	6. Brucella canis CARD (per sample)	\$21.00
G. Osmolality Fee	\$15.00	7. Brucella canis ELISA (1-10 samples)	\$ 6.30
H. Phosphorus, Inorganic Fee	\$ 4.00	8. Brucella canis ELISA (11 or more samples)	\$ 4.20
I. Potassium Fee	\$ 4.00	9. Brucella canis Tube Agg (TAT) (1-10 samples)	\$ 6.30
J. Protein Electrophoresis Fee	\$15.00	10. Brucella canis Tube Agg (TAT) (11 or more samples)	\$ 4.20
K. Protein Quantitative Fee	\$ 4.00	11. Brucella melintensis	\$ 3.00
L. Sodium Fee	\$ 4.00	12. Brucella ovis ELISA	\$ 10.00
5. Fecal—		13. Brucella species BAPA	\$ 4.00
A. Occult Blood Fee	\$ 5.00	14. Brucella species BBA	\$ 3.00
B. Cryptosporidia Exam Fee	\$ 7.00	15. Brucella species FP verification	\$ 6.00
C. Direct Fecal Smear Fee	\$ 5.00	16. Brucella species SPT	\$ 3.00
D. Fecal Flotation Fee	\$ 7.00	17. Brucella species STT	\$ 5.00
6. Cytology and Fluid Analysis—		18. BVD PI ELISA	\$ 2.90
A. CSF Fee	\$37.50	19. CWD ELISA	\$31.50
B. Cytological Examination Fee	\$27.00		
C. Gram's Stain Fee	\$5.00		
D. Peritoneal/Pleural Fluid Analysis Fee	\$32.50		
E. Synovial Fluid Analysis Fee	\$32.50		
(H) Other—			
1. Transfer Media & Other Supplies/ Reagent	Inquire		
2. Custom Testing Procedures	Inquire		
3. Postage Due	Inquire		

20. EIA AGID (per sample)	\$ 5.25
21. EIA ELISA (per sample)	\$ 8.40
22. Johne's ELISA (per sample)	\$ 5.25
23. PRRS ELISA	\$ 3.70
24. PRV ELISA (per sample)	\$ 2.10
(E) Avian –	
1. API	Inquire
2. Avian Fungal Culture (litter)	\$14.70
3. Avian Influenza AGID	\$ 1.05
4. Avian Influenza Antigen Detection (per test)	\$12.60
5. Avian Influenza ELISA (per sample)	\$ 3.15
6. Bordetella ELISA	\$ 1.85
7. Hatchery Fluff Bacterial Counts	\$10.50
8. Hemorrhagic Enteritis ELISA	\$ 1.85
9. MG HI Serology Fee	\$ 0.80
10. MG Rapid Plate Test or ELISA	\$ 0.45
11. MM HI Serology Fee	\$ 0.80
12. MM Rapid Plate Test or ELISA	\$ 0.45
13. MS HI Serology Fee	\$ 0.80
14. MS Rapid Plate Test or ELISA	\$ 0.45
15. Mycoplasma PCR, DNA Probe	\$21.00
16. Newcastle ELISA	\$ 1.55
17. NPIP Salmonella Screen	\$10.50
18. Pasturella ELISA	\$ 1.05
19. Salmonella Pullorum Microtiter (per sample)	\$ 0.10
20. Salmonella Pullorum Rapid Plate	\$ 0.15
21. Salmonella Pullorum Tube Agglutination	\$ 0.30
22. Salmonella Typhimurium Tube Agglutination	\$ 0.30
(F) Clinical Pathology –	
1. Fecal–	
A. Direct Fecal Smear	\$ 5.25
B. Fecal Flotation	\$ 7.35
2. Cytology and Fluid Analysis–	
A. Gram's Stain	\$ 5.25
(G) Meat Inspection Program Testing	
1. Antibiotic Residue	\$47.25
2. Campylobacter screen	\$21.00
3. Campylobacter Verification	\$26.25
4. E. Coli 0157:H7 PCR	\$21.00
5. E. Coli 0157:H7 Verification	\$52.50
6. E. Coli STEC PCR	\$21.00
7. E. Coli STEC Verification	\$367.50
8. Generic E-Coli Surveillance	\$18.90
9. Listeria spp. PCR	\$21.00
10. Listeria spp. Verification	\$21.00
11. Meat-Aerobic Plate Count Petrifilm	\$10.00
12. pH Determination	\$15.75
13. Salmonella PCR	\$21.00
14. Salmonella Verification	\$ 7.35
15. Water Activity	\$26.25
(H) Milk Tests	
1. Cryoscope	\$10.00
2. Direct Microscopic Somatic Cell Count (DMSCC)	\$ 4.50
3. High Sensitivity Coliform Plate Count (HSCC)	\$ 8.00
4. Inhibitors (Delvo)	\$ 8.00
5. Inhibitors (Snap)	\$17.00
6. Milk-Aerobic Plate Count Petrifilm	\$10.00
7. Milk-Coliform Petrifilm	\$10.00
8. Milk-Coliform VRB Culture	\$10.00
9. Phosphatase	\$19.00

(I) Other –

1. Transfer Media & Other Supplies/Reagent	Inquire
2. Custom Testing Procedures	Inquire
3. Postage Due	Inquire
4. Pullorum Testing Equipment and Antigen	Inquire

AUTHORITY: section 267.122, RSMo [2000] 2016. Original rule filed July 15, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 10, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COSTS: This proposed amendment will cost private entities two hundred seventy thousand three hundred fifty-two dollars and fifteen cents (\$270,352.15) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment online at <https://agriculture.mo.gov/proposed-rules/> or by mail at Missouri Department of Agriculture, ATTN: Dr. Steve Strubberg, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**I. Department Title: 2 - Agriculture
Division Title: 30 – Animal Health
Chapter Title: 1 – Organization and Description**

Rule Number and Title:	2 CSR 30-1.020 Laboratory Services and Fees
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 375 accredited veterinarians/veterinary clinics		\$270,352.15

**III. WORKSHEET
See attached Spreadsheet**

**IV. ASSUMPTIONS
Calculations were made based on the number of tests billed during FY22. The number of tests billed were multiplied by the proposed cost.**

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 4 – Wildlife Code: General Provisions**

PROPOSED AMENDMENT

3 CSR 10-4.111 Endangered Species. The commission proposes to amend subsection (3)(C) of this rule.

PURPOSE: The proposed amendment changes the common names of the Mississippi green water snake and massasauga rattlesnake to reflect currently accepted taxonomy and nomenclature and removes the Illinois mud turtle from the list of endangered species of reptiles.

(3) For the purpose of this rule, endangered species of wildlife and plants shall include the following native species designated as endangered in Missouri:

(C) Reptiles: western chicken turtle, Blanding's turtle, [Illinois mud turtle,] yellow mud turtle, Mississippi green [water snake] watersnake, eastern massasauga [rattlesnake], prairie massasauga.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const., and section 252.040, RSMo 2016. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 10, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 9 – Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.240 Class II Wildlife. The commission proposes to amend this rule.

PURPOSE: The proposed amendment changes the common names of the massasauga rattlesnake to reflect currently accepted taxonomy and nomenclature.

Class II wildlife shall include copperheads, cottonmouths, timber rattlesnakes, pygmy rattlesnakes, [massasauga rattlesnakes] eastern massasauga, prairie massasauga, mountain lions or mountain lion-hybrids, wolves or wolf-hybrids, and black bears or black bear hybrids. Permits to hold Class II wildlife in confinement will only be issued for the specific species of wildlife approved for each permit type on the Approved Confined Wildlife Species List in 3 CSR 10-9.105.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 6, 1993, effective Jan. 31, 1994. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 10, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 11 – Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.180 Hunting, General Provisions and Seasons. The commission proposes to add subsections (8)(D), (8)(L), (8)(R), (8)(T), (8)(V), (8)(BB), (8)(NN), (8)(PP), (8)(SS), correct the alphabetical order of the subsection, and reletter the subsequent subsections of section (8) of this rule.

PURPOSE: The proposed amendment prohibits the use of lead shot on Cash (Ben) Memorial Conservation Area, Donaldson Point Conservation Area, Frisbee Cutoff Access, Girvin (John L. and Georgia) Conservation Area, Hornersville Swamp Conservation Area, Marion Bottoms Conservation Area, Seven Island Conservation Area, Swift Ditch Access, and Warbler Woods Conservation Area.

(8) Use or possession of lead shot is prohibited for hunting on the following department areas:

- (A) Aspinwall Bend Conservation Area
- (B) Black Island Conservation Area
- (C) Brown (Bob) Conservation Area
- (D) Cash (Ben) Memorial Conservation Area**
- [(D)](E) Church Farm Conservation Area
- [(E)](F) Columbia Bottom Conservation Area
- [(F)](G) Cooley Lake Conservation Area
- [(G)](H) Coon Island Conservation Area
- [(H)](I) Corning Conservation Area
- [(I)](J) Deroin Bend Conservation Area
- [(J)](K) Diana Bend Conservation Area
- (L) Donaldson Point Conservation Area**
- [(K)](M) Duck Creek Conservation Area
- [(L)](N) Eagle Bluffs Conservation Area
- [(M)] Franklin Island Conservation Area
- (N) Frost Island Conservation Area
- (O) Fountain Grove Conservation Area
- (P) Four Rivers **Conservation Area** (August A. Busch, Jr. Memorial Wetlands [at Conservation Area])
- (Q) Franklin Island Conservation Area**
- (R) Frisbee Cutoff Access**
- (S) Frost Island Conservation Area**

(T) Girvin (John L. and Georgia) Conservation Area

[(Q)](U) Grand Pass Conservation Area

(V) Hornersville Swamp Conservation Area

[(R)](W) Leach (B. K.) Memorial Conservation Area

[(S)](X) Little Bean Marsh Conservation Area

[(T)](Y) Little River Conservation Area

[(U)](Z) Lower Hamburg Bend Conservation Area

[(V)](AA) Marais Temps Clair Conservation Area

(BB) Marion Bottoms Conservation Area

[(W)](CC) Montrose Conservation Area

[(X)](DD) Nishnabotna Conservation Area

[(Y)](EE) Nodaway Valley Conservation Area

[(Z)](FF) Otter Slough Conservation Area

[(AA)](GG) Perry (Ralph and Martha) Conservation Area

[(BB)](HH) Platte Falls Conservation Area

[(CC)](II) Plowboy Bend Conservation Area

[(DD)] Schell-Osage Conservation Area

(EE) Settle's Ford Conservation Area

(FF) Shanks (Ted) Conservation Area

(GG) Ten Mile Pond Conservation Area

(HH) Thurnau (H. F.) Conservation Area]

[(II)](JJ) Rose Pond Conservation Area

[(JJ)](KK) Rush Bottom Conservation Area

(LL) Schell-Osage Conservation Area

(MM) Settle's Ford Conservation Area

(NN) Seven Island Conservation Area

(OO) Shanks (Ted) Conservation Area

(PP) Swift Ditch Access

(QQ) Ten Mile Pond Conservation Area

(RR) Thurnau (H. F.) Conservation Area

(SS) Warbler Woods Conservation Area

[(KK)](TT) Wolf Creek Bend Conservation Area

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const., and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 10, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities approximately thirteen thousand nine hundred eighty-eight dollars (\$13,988) per year.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Conservation
Division Title: Conservation Commission
Chapter Title: 11-Wildlife Code: Special Regulations for Department Areas**

Rule Number and Title:	3 CSR 10-11. 180 Hunting, General Provisions and Seasons.
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2,690	Projected number of hunters impacted on the nine (9) conservation areas listed in the proposed amendment.	\$13,988/ year Projected costs per year impacting approximately 2,690 hunters at the nine (9) proposed conservation areas. Each hunter will spend an additional \$5.20 per box during the year to use non-toxic shot versus lead shot.

III. WORKSHEET

2,690 projected hunters impacted on the nine (9) conservation areas listed in the proposed amendment.

\$13.00/box (approximate price of lead shot size 6 & 7 from Missouri retailers) X 40% (Estimated increase of steel shot over lead shot) = \$5.20 increase in price/ box of steel shot over lead shot.

\$5.20 (increase in price/ box of steel shot over lead shot) X 2,690 (projected hunters impacted by the proposed amendment adding nine (9) conservation areas prohibiting the use of lead shot) = \$13,988 (projected cost for non-toxic shot vs. lead shot by hunters on the nine (9) proposed conservation areas per year)

IV. ASSUMPTIONS

Conservation areas listed in the proposed rule do not have mandatory check-in hunting, which makes it difficult to get an accurate calculation on the number of hunters utilizing these areas.

Conservation areas accommodate a varied number of hunters for waterfowl, squirrel, rabbit, and dove seasons. Weather conditions impact hunter presence, for example during wet years, some of the areas may have no active dove management or delayed crop harvest on wetland units. Therefore, the below assumptions have been made:

- 2,690 hunters/year (Projected total number of hunters per year impacted by the proposed amendment).
Hunter check in data from Duck Creek for 2021 and 2022 was used to provide a hunter/acre/ year data point to project the number of hunters/year that may be impacted by this proposal.

Hunters/Acre/Year at Duck Creek using check in data from 2021 and 2022		0.167
Row Labels	Acreage	Projected # of Hunters/Year impacted
Cash (Ben) Mem CA	1,330.61	222.21
Donaldson Point CA	5,945.00	992.82
Frisbee Cutoff Access	92.50	15.45
Girvin (John L and Georgia) CA	747.60	124.85
Hornersville Swamp CA	3,381.50	564.71
Marion Bottoms CA	2,996.70	500.45
Seven Island CA	1,375.78	229.76
Swift Ditch Access	146.00	24.38
Warbler Woods CA	89.00	14.86
Grand Total	16,104.69	2,689.48

- \$13.00/box (approximate price of lead shot size 6 & 7 from Missouri retailers)
- 40% (estimated increase of steel shot over lead shot)
- 9 Conservation Areas proposed to be included as prohibiting the use of toxic shot (Cash (Ben) Memorial Conservation Area, Donaldson Point Conservation Area, Frisbee Cutoff Access, Girvin (John L and Georgia) Conservation Area, Hornersville Swamp Conservation Area, Marion Bottoms Conservation Area, Seven Island Conservation Area, Swift Ditch Access, and Warbler Woods Conservation Area).

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 12 – Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.110 Use of Boats and Motors. The commission proposes to add subsection (2)(W) and reletter the subsequent subsections of section (2) of this rule.

PURPOSE: The proposed amendment prohibits the use of boats and motors on Moberly (Beuth Park Lake), a new area under management agreement with the department in the Community Assistance Program (CAP).

(2) Boats are prohibited on the following areas:

(W) Moberly (Beuth Park Lake);
~~[(W)](X)~~ Overland (Wild Acres Park Lake);
~~[(X)](Y)~~ Pleasant Hill (Porter Park Lake);
~~[(Y)](Z)~~ Potosi (Roger Bilderback Lake);
~~[(Z)](AA)~~ Raymore (Johnston Lake);
~~[(AA)](BB)~~ Rolla (Schuman Park Lake);
~~[(BB)](CC)~~ St. Ann (Gendron Lake);
~~[(CC)](DD)~~ St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake);
~~[(DD)](EE)~~ St. James (Scioto Lake);
~~[(EE)](FF)~~ St. Joseph (Corby Pond, Krug Park Lagoon);
~~[(FF)](GG)~~ St. Louis (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, North Lake, South Lake);
~~[(GG)](HH)~~ St. Louis County (Bee Tree Park Lake, Blackjack Lake, Carp Lake, Fountain Lake, Island Lake, Jarville Lake, Tilles Park Lake);
~~[(HH)](II)~~ Sedalia (Liberty Park Pond);
~~[(II)](JJ)~~ Taos (Taos Countryside Park Lake);
~~[(JJ)](KK)~~ Tipton (Tipton Park Lake);
~~[(KK)](LL)~~ Union (Union City Lake);
~~[(LL)](MM)~~ Watershed Committee of the Ozarks (Valley Water Mill Lake); and
~~[(MM)](NN)~~ Wentzville (Community Club Lake, Heartland Lake).

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const., and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 10, 2023.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 12 – Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.115 Bullfrogs and Green Frogs. The commission proposes to add paragraph (1)(B)12. and renumber the subsequent paragraphs of subsection (1)(B) of this rule.

PURPOSE: The proposed amendment restricts the method of harvest for bullfrogs and green frogs to pole and line only on Moberly (Beuth Park Lake), a new area under management agreement with the department in the Community Assistance Program (CAP).

(1) Bullfrogs and green frogs may be taken during the state-wide season only by hand, handnet, atlatl, gig, bow, snagging, snaring, grabbing, or pole and line except as further restricted by this chapter.

(B) Only pole and line may be used to take frogs on the following areas:

1. Ballwin (New Ballwin Park Lake, Vlasik Park Lake);
2. Belton (Cleveland Lake);
3. Butler City Lake;
4. Fenton (Preslar Lake, Upper Fabick Lake, Westside Park Lake);
5. Ferguson (January-Wabash Park Lake);
6. Jennings (Koeneman Park Lake);
7. Kearney (Jesse James Park Lake);
8. Kirksville (Spur Pond);
9. Kirkwood (Walker Lake);
10. Liberty (Capitol Federal® Sports Complex Ponds Nos. 1, 2, 3, 4, 5, 6, 7, and 8);
11. Mineral Area College (Quarry Pond);
- 12. Moberly (Beuth Park Lake);**
- ~~12.~~**13.** Overland (Wild Acres Park Lake);
- ~~13.~~**14.** Potosi (Roger Bilderback Lake);
- ~~14.~~**15.** Raymore (Johnston Lake);
- ~~15.~~**16.** St. Ann (Gendron Lake);
- ~~16.~~**17.** St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake);
- ~~17.~~**18.** St. Louis (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, North Lake, South Lake);
- ~~18.~~**19.** St. Louis County (Bee Tree Park Lake, Blackjack Lake, Carp Lake, Creve Coeur Park Lake, Fountain Lake, Island Lake, Jarville Lake, Simpson Park Lake, Spanish Lake, Sunfish Lake, Tilles Park Lake);
- ~~19.~~**20.** Sedalia (Clover Dell Park Lake, Liberty Park Pond);
- ~~20.~~**21.** Sedalia Water Department (Spring Fork Lake);
- ~~21.~~**22.** Warrensburg (Lions Lake);
- ~~22.~~**23.** Watershed Committee of the Ozarks (Valley Water Mill Lake);
- ~~23.~~**24.** Wentzville (Community Club Lake, Heartland Lake); and
- ~~24.~~**25.** Windsor (Farrington Park Lake).

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const., and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 10, 2023.*

PUBLIC COST: This proposed amendment will not cost state

agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 12 – Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.135 Fishing, Methods. The commission proposes to add subsection (8)(N) and reletter the subsequent subsections of section (8) of this rule.

PURPOSE: The proposed amendment restricts fishing methods to flies, artificial lures, and unscented soft plastic baits from November 1 through January 31 at Moberly (Beuth Park Lake), a new area under management agreement with the department in the Community Assistance Program (CAP).

(8) Only flies, artificial lures, and soft plastic baits (unscented) may be used from November 1 through January 31 on the following lakes:

(N) Moberly (Beuth Park Lake);
[(N)](O) Overland (Wild Acres Park Lake);
[(O)](P) Perry County (Legion Lake 1);
[(P)](Q) Sedalia (Liberty Park Pond);
[(Q)](R) Sikeston (Sikeston Recreation Complex Lake);
[(R)](S) St. Joseph (Krug Park Lagoon);
[(S)](T) St. Louis (Jefferson Lake);
[(T)](U) St. Louis County (Tilles Park Lake); and
[(U)](V) Union (Union City Lake).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const., and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 10, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 12 – Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.140 Fishing, Daily and Possession Limits. The commission proposes to add subsection (9)(M) and reletter the subsequent subsections of section (9) of this rule.

PURPOSE: The proposed amendment establishes a catch and release season for trout on Moberly (Beuth Park Lake), an area under management agreement with the department in the Community Assistance Program (CAP).

(9) Trout must be returned to the water unharmed immediately after being caught from November 1 through January 31 on the following lakes and may not be possessed on these waters during this season:

(M) Moberly (Beuth Park Lake);
[(M)](N) Overland (Wild Acres Park Lake);
[(N)](O) Perry County (Legion Lake 1);
[(O)](P) Sedalia (Liberty Park Pond);
[(P)](Q) Sikeston (Sikeston Recreation Complex Lake);
[(Q)](R) St. Louis (Jefferson Lake);
[(R)](S) St. Louis County (Tilles Park Lake); and
[(S)](T) Union (Union City Lake).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const., and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 10, 2023.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately four thousand two hundred eighty-three dollars and seventy-six cents (\$4,283.76) annually.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

Department Title: Title 3 – Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 12 – Wildlife Code: Special Regulations for Areas Owned by Other Entities

Rule Number and Name:	3 CSR 10-12.140 Fishing, Daily and Possession Limits.
Type of Rulemaking:	Proposed Amendment

SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Conservation	\$2,299.52/year
City of Moberly	\$1,671.04/year

WORKSHEET**Department of Conservation**

Fish Cost (City of Moberly): 3 acres * 400 fish/acre * \$2.71/trout* 50 percent = **\$1,626.00**

Mileage (City of Moberly): 180 miles * \$1.74/mile*2 = **\$626.40**

Staff Time (Delivery – City of Moberly): 2 staff*7 hours*\$22.52/hour = **\$315.28**

Staff time for Other Coordination: 1 cities*1 staff * 2 hours*\$22.52/hour = **\$45.04**

MDC/City of Moberly Subtotal: **\$2,612.72**

City of Moberly

Fish Cost: 3 acres * 400 fish/acre * \$2.71/trout* 50 percent = **\$1,626.00**

Coordination/Administration: 1 staff* 2 hours*\$22.52/hour = **\$45.04**

City of Moberly Subtotal: **\$1,671.04**

Total of Above: \$4,283.76 (Annual Cost)

ASSUMPTIONS

- The Department will cover fifty percent (50%) of the purchase cost for trout with Winter Urban Trout Program partners.
- Cities in the Winter Urban Trout Program will cover fifty percent (50%) of the purchase cost for trout.
- The cost per trout is two dollars and seventy-one cents (\$2.71) (Contract Price: Contract #CC211298001).
- Stocking rate is four hundred (400) trout per acre for Winter Urban Trout Program partners (Source: A Plan for Allocation and Stocking Trout in MO (July 2009).

- The Department will provide for the delivery of the trout. All mileage in this assumption is figured from Montauk State Fish Hatchery to the city lake stocking point and back.
- The MDC operation cost for a fish delivery truck (road tractor – tandem axle) to deliver trout is one dollar and seventy-four (\$1.74) per mile (Source: MDC Fleet Services FY22).
- Average cost of coldwater hatchery staff time per hour is twenty-two dollars and fifty-two cents (\$22.52) (Source: MDC FY 22 Salary Structure, Salary Range Table, Midpoint of salary range).
- City of Moberly (Beuth Park Lake) is three (3) acres (CAP agreement FY22).
- City staff time for coordination of stocking is estimated at the same hourly rate as MDC staff.

**TITLE 5 – DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20 – Division of Learning Services
Chapter 100 – Office of Quality Schools**

PROPOSED AMENDMENT

5 CSR 20-100.130 General Provisions Governing the Consolidated Grants Under the Elementary and Secondary Education Act (ESEA). The State Board of Education is amending the material incorporated by reference.

PURPOSE: This amendment updates the ESEA Administrative Manual, which is incorporated by reference.

The following provisions are incorporated by reference and made part of this rule: P.L. 89-10, which is available by contacting the U.S. Government Publishing Office, 732 North Capitol Street NW, Washington, DC 20401-0001, as published in February [2022] 2023. Copies of this law can also be obtained from the Department of Elementary and Secondary Education, Office of Quality Schools, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480 and at <https://dese.mo.gov/governmental-affairs/deseadministrative-rules/incorporated-reference-materials>; and the ESEA Administrative Manual (revised February [2022] 2023) is hereby incorporated by reference and made a part of this rule as published by the Department of Elementary and Secondary Education, Office of Quality Schools, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480, and its website at <https://dese.mo.gov/quality-schools/federal-programs/federal-legislation-guidance> and at <https://dese.mo.gov/governmental-affairs/dese-administrative-rules/incorporated-reference-materials>. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: section 161.092 and 178.480, RSMo 2016. This rule previously filed as 5 CSR 50-321.010. Original rule filed April 29, 1997, effective Nov. 30, 1997. Amended: April 21, 1999, effective Nov. 30, 1999. Moved to 5 CSR 20-100.130, effective Aug. 16, 2011, amended Feb. 10, 2022, effective Sept. 30, 2022. Amended: Filed Feb. 10, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, ATTN: Stacy Hamlett, Director, Office of Quality Schools, PO Box 480, Jefferson City, MO 65102-0480 or by email to webreplyfgm@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**TITLE 5 – DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20 – Division of Learning Services
Chapter 400 – Office of Educator Quality**

PROPOSED AMENDMENT

5 CSR 20-400.440 Procedures and Standards for Approval

and Accreditation of Professional Education Programs in Missouri. The State Board of Education is amending section (1), adding subsections (1)(A) and (1)(B), and adding the material incorporated by reference.

PURPOSE: This amendment documents a revised version of the Missouri Standards for the Preparation of Educators (MoSPE) to include literacy competencies.

(1) Missouri Standards for the Preparation of Educators (MoSPE).

(A) Educator preparation programs in Missouri shall be approved and accredited according to the *Missouri Standards for the Preparation of Educators* (MoSPE)[.] (June 2020), [and are] hereby incorporated by reference and made a part of this rule, as published by the Department of Elementary and Secondary Education, Educator Preparation, PO Box 480, Jefferson City, MO 65102-0480, and **available** at its website at <https://dese.mo.gov/educator-quality/educator-preparation/mo-standards-preparation-educators> and at <https://dese.mo.gov/governmental-affairs/dese-administrative-rules/incorporated-reference-materials>. This rule does not incorporate any subsequent amendments or additions.

(B) Beginning September 30, 2023, educator preparation programs in Missouri shall be approved and accredited according to the Missouri Standards for the Preparation of Educators (MoSPE), (February 2023), hereby incorporated by reference and made a part of this rule, as published by the Department of Elementary and Secondary Education, Educator Preparation, PO Box 480, Jefferson City, MO 65102-0480, and available at its website at <https://dese.mo.gov/educator-quality/educator-preparation/mo-standards-preparation-educators> and at <https://dese.mo.gov/governmental-affairs/dese-administrative-rules/incorporated-reference-materials>. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 161.092[, 161.097.] and 161.099, RSMo 2016, and section 161.097, RSMo Supp. 2022. Original rule filed Aug. 28, 2012, effective March 30, 2013. Amended: Filed March 20, 2020, effective Oct. 30, 2020. Amended: Filed Feb. 9, 2023.

PUBLIC COST: This amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, ATTN: Dr. Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480 or by email to educatorquality@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**TITLE 5 – DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20 – Division of Learning Services
Chapter 400 – Office of Educator Quality**

PROPOSED AMENDMENT

5 CSR 20-400.510 Certification Requirements for Teacher of Early Childhood Education (Birth – Grade 3). The State Board of Education is amending subsection (1)(B) and subparagraph (1)(B)6.C., adding subsection (1)(C), deleting section (2), and re-numbering accordingly.

PURPOSE: This amendment will revise the literacy competencies in the Certification Requirements for Teacher of Early Childhood Education (Birth–Grade 3), which will be effective August 1, 2025.

(1) An applicant for a Missouri certificate of license to teach Early Childhood Education (Birth – Grade 3) who possesses good moral character may be granted an initial Missouri certificate of license to teach Early Childhood Education (Birth – Grade 3) subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to Early Childhood Education (Birth – Grade 3):

(B) Professional Requirements **Effective until August 1, 2025.** A minimum of sixty (60) semester hours of professional preparation. Competency must be demonstrated to the satisfaction of the educator preparation program for the following topics:

1. Content Planning and Delivery. Candidates are prepared with a deep knowledge of and understand the relationships among curriculum, instruction, and assessment –

- A. Curriculum and Instructional Planning;
- B. Instructional Strategies and Techniques in Content Area Specialty;
- C. Assessment, Student Data, and Data-Based Decision-Making;

- D. Strategies for Content Literacy;
- E. Critical Thinking and Problem Solving;
- F. English Language Learning;

2. Individual Student Needs. Candidates build a robust knowledge of learners and the learning environment –

- A. Psychological Development of the Child and Adolescent;
- B. Psychology/Education of the Exceptional Child;
- C. Differentiated Learning;
- D. Classroom Management;
- E. Cultural Diversity;
- F. Educational Psychology;

3. Schools and the Teaching Profession. Candidates fully understand the role of schools and schooling as well as the professional responsibilities of teachers, including a means of professional growth –

- A. Consultation and Collaboration;
- B. Legal/Ethical Aspects of Teaching;

4. Content Knowledge for Teaching and Teaching and Learning Strategies for the Young Child (minimum requirement of thirty (30) semester hours) –

- A. Early Childhood Principles –
 - (I) Child Development;
 - (II) Play-Based and Inquiry-Based Learning;
 - (III) Observing and Assessing Young Children;
 - (IV) Language Acquisition;
- B. Methods of Teaching and Differentiated Instruction in the following integrated areas:

(I) Early Literacy (minimum of six (6) semester hours) to address curriculum, explicit and systematic instruction, and assessment of –

- (a) Language acquisition;
- (b) Phonological and phonemic awareness;
- (c) Phonics;
- (d) Vocabulary;
- (e) Fluency;

- (f) Comprehension; and
- (g) Writing process using authentic text and purposes;

- (II) Math;
- (III) Health;
- (IV) Science;
- (V) Nutrition;
- (VI) Social Studies;
- (VII) Music;
- (VIII) Safety;
- (IX) Movement;
- (X) Art; and
- (XI) Drama;

5. Home-School-Community Relations (minimum requirement of six (6) semester hours) –

- A. Families as Educational Partners;
- B. Family Engagement; and
- C. Linking Families with Community Resources;

6. Program Management (minimum requirement of six (6) semester hours) –

- A. Program Administration and Management;
- B. Health, Nutrition, and Safety of Young Children; and
- C. Environmental Organization and Design; *[and]*

(C) Professional Requirements Effective August 1, 2025. A minimum of sixty (60) semester hours of professional preparation. Competency must be demonstrated to the satisfaction of the educator preparation program for the following topics:

1. Content Planning and Delivery. Candidates are prepared with a deep knowledge of and understand the relationships among curriculum, instruction, and assessment –

- A. Curriculum and Instructional Planning;
- B. Instructional Strategies and Techniques in Content Area Specialty;
- C. Assessment, Student Data, and Data-Based Decision-Making;
- D. Strategies for Content Literacy;
- E. Critical Thinking and Problem Solving; and
- F. English Language Learning;

2. Individual Student Needs. Candidates build a robust knowledge of learners and the learning environment –

- A. Psychological Development of the Child and Adolescent;
- B. Psychology/Education of the Exceptional Child;
- C. Differentiated Learning;
- D. Classroom Management;
- E. Cultural Diversity; and
- F. Educational Psychology;

3. Schools and the Teaching Profession. Candidates fully understand the role of schools and schooling as well as the professional responsibilities of teachers, including a means of professional growth –

- A. Consultation and Collaboration; and
- B. Legal/Ethical Aspects of Teaching; and

4. Content Knowledge for Teaching and Teaching and Learning Strategies for the Young Child (minimum requirement of thirty (30) semester hours) –

- A. Early Childhood Principles –
 - (I) Child Development;
 - (II) Play-Based and Inquiry-Based Learning;
 - (III) Observing and Assessing Young Children; and
 - (IV) Language Acquisition;
- B. Methods of Teaching and Differentiated Instruction in the following integrated areas:

(I) Early Literacy (minimum of six (6) semester hours) to address curriculum, explicit and systematic instruction, and assessment of –

- (a) Language acquisition;
- (b) Phonological and phonemic awareness;
- (c) Phonics;
- (d) Vocabulary;
- (e) Fluency;

(f) Comprehension; and

(g) Writing process using authentic text and purposes;

(I) Early Literacy (minimum of six (6) semester hours) to address the following topics:

- (a) Phonological and Phonemic Awareness;
- (b) Phonics;
- (c) Fluency;
- (d) Vocabulary;
- (e) Reading Comprehension;
- (f) Reading Difficulties;
- (g) Literacy Curriculum and Instruction;
- (h) Literacy Assessment;
- (i) Application of Assessment Data;
- (j) Writing Instruction;
- (k) Family and Community Literacies and Partnerships; and

(I) Student Engagement in Literacy;

- (II) Math;
- (III) Health;
- (IV) Science;
- (V) Nutrition;
- (VI) Social Studies;
- (VII) Music;
- (VIII) Safety;
- (IX) Movement;
- (X) Art; and
- (XI) Drama;

5. Home-School-Community Relations (minimum requirement of six (6) semester hours) –

- A. Families as Educational Partners;
- B. Family Engagement; and
- C. Linking Families with Community Resources; and

6. Program Management (minimum requirement of six (6) semester hours) –

- A. Program Administration and Management;
- B. Health, Nutrition, and Safety of Young Children;

and

C. Environmental Organization and Design; and

[(C)](D) Field and Clinical Experiences (ten (10) semester hours). Field and clinical experiences should be appropriate to the progress of the student through the program and should be supervised through a close-partnership of highly-qualified professionals in appropriate school settings. Such field and clinical experiences shall meet the minimum hours required in paragraphs (1) [(C)](D) 1.–2., to include experiences in each of the three (3) different age levels (Infant/Toddler, Pre-K/Kindergarten, and Kindergarten – Grade 3).

1. Early Field Experiences (one (1) semester hour with a minimum of thirty (30) clock hours). This limited field experience includes placements in which candidates observe students, support teachers, and respond to specific class assignments. The candidate may work with students individually and/or in small groups as requested and under the supervision of the classroom teacher.

2. Mid-Level Experiences (one (1) semester hour with a minimum of forty-five (45) clock hours). The mid-level experience occurs between the initial placement and the culminating clinical experiences. At the mid-level, candidates continue to observe; respond to specific class assignments; and work with students individually, in small groups, and in whole class settings as requested and under the supervision of the classroom teacher.

3. Culminating Clinical Experiences (eight (8) semester hours with a minimum of twelve (12) weeks in one (1) placement). The culminating experience refers to placements typically in the final sequence leading up to and including student teaching. Candidates actively participate and complete required assignments, work with students as requested and under the supervision of the classroom teacher, and have the opportunity and responsibility to lead the class over an extended period of time.

[(2) The requirements of this rule shall become effective August 1, 2019.]

AUTHORITY: sections 161.092, 168.011, 168.071, 168.081, 168.400, 168.405, and 168.409, RSMo 2016, and section 168.021, RSMo Supp. [2020] 2022. Original rule filed Oct. 29, 2013, effective May 30, 2014. Amended: Filed June 22, 2018, effective Jan. 30, 2019. Amended: Filed Nov. 2, 2020, effective May 30, 2021. Amended: Filed Feb. 10, 2023.

PUBLIC COST: This amendment will cost state agencies or political subdivisions forty-three thousand dollars (\$43,000) in the aggregate.

PRIVATE COST: This amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, ATTN: Dr. Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480 or by email to educatorquality@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

**I. TITLE 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 400—Office of Educator Quality**

Rule Number and Name:	5 CSR 20-400.510 Certification Requirements for Teacher of Early Childhood Education (Birth – Grade 3)
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
43 Educator Preparation Programs (EPP) in Institutions of Higher Education (IHE)	\$43,000

III. WORKSHEET

The Missouri Department of Elementary and Secondary Education (department) recognizes that altering curriculum and programs to address the changes reflected in the proposed amendment would require labor on the part of IHE personnel. The department estimates that those costs will vary depending on the IHE, but could cost up to \$1,000 per IHE.

There are potentially 43 IHEs that could incur labor costs to revise curriculum, review and choose appropriate texts, develop new resources, prepare and justify formal proposals for curricular change, and guide those proposals through multiple stages.

$$43 \times \$1,000 = \$43,000$$

IV. ASSUMPTIONS

The department assumes that EPPs regularly review and revise curriculum and that the changes required by this proposed amendment would not be extraordinary relative to typical alterations.

IHEs will have to invest resources in two main categories: academic and administrative. Academic costs include faculty time to revise curriculum, review and choose appropriate texts, and develop new resources. Administrative costs are those associated with preparing and justifying formal proposals for curricular change and then guiding those proposals through multiple stages (e.g. department, college, Dean, Provost, etc.). Depending upon the size of the institution, the work may be distributed in various ways between office staff, faculty, and IHE administration. This difference in the distribution of labor may create a significant variation in cost between IHEs.

**TITLE 5 – DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20 – Division of Learning Services
Chapter 400 – Office of Educator Quality**

PROPOSED AMENDMENT

5 CSR 20-400.520 Certification Requirements for Teacher of Elementary Education (Grades 1-6). The State Board of Education is amending subsection (1)(B) and part (1)(B)4.B.(IV), adding subsection (1)(C), deleting section (2), and renumbering accordingly.

PURPOSE: This amendment will revise the literacy competencies in the Certification Requirements for Elementary Education (Grades 1-6), which will be effective August 1, 2025.

(1) An applicant for a Missouri certificate of license to teach Elementary Education (Grades 1-6) who possesses good moral character may be granted an initial Missouri certificate of license to teach Elementary Education (Grades 1-6) subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to Elementary Education (Grades 1-6):

(B) Professional Requirements **Effective until August 1, 2025.** A minimum of thirty-six (36) semester hours of professional preparation. Competency must be demonstrated to the satisfaction of the educator preparation program for the following topics:

1. Content Planning and Delivery. Candidates are prepared with a deep knowledge of and understand the relationships among curriculum, instruction, and assessment –

- A. Curriculum and Instructional Planning;
- B. Instructional Strategies and Techniques in Content Area Specialty;
- C. Assessment, Student Data, and Data-Based Decision-Making;
- D. Strategies for Content Literacy;
- E. Critical Thinking and Problem Solving; and
- F. English Language Learning;

2. Individual Student Needs. Candidates build a robust knowledge of learners and the learning environment –

- A. Psychological Development of the Child and Adolescent;
- B. Psychology/Education of the Exceptional Child;
- C. Differentiated Learning;
- D. Classroom Management;
- E. Cultural Diversity; and
- F. Education Psychology;

3. Schools and the Teaching Profession. Candidates fully understand the role of schools and schooling as well as the professional responsibilities of teachers, including a means of professional growth –

- A. Consultation and Collaboration; and
 - B. Legal/Ethical Aspects of Teaching;
4. Content Knowledge for Teaching and Teaching and Learning Strategies (minimum requirement of twenty-one (21) semester hours) –

A. At a minimum, the teaching method competencies shall include:

- (I) Elementary Literacy (minimum total of twelve (12) semester hours) – to address curriculum, explicit and systematic instruction, and assessment of –
 - (a) Language acquisition;
 - (b) Phonological and phonemic awareness;
 - (c) Phonics;
 - (d) Vocabulary;

- (e) Fluency;
- (f) Comprehension; and
- (g) Writing process using authentic text and purposes;

(II) Mathematics (minimum of six (6) total semester hours);

- (III) Science; and
- (IV) Social Science; and

B. Integration of the following areas:

- (I) Art;
- (II) Music;
- (III) Health and Physical Education; and
- (IV) Technology in Education; *[and]*

(C) Professional Requirements Effective August 1, 2025. A minimum of thirty-six (36) semester hours of professional preparation. Competency must be demonstrated to the satisfaction of the educator preparation program for the following topics:

1. Content Planning and Delivery. Candidates are prepared with a deep knowledge of and understand the relationships among curriculum, instruction, and assessment –

- A. Curriculum and Instructional Planning;
- B. Instructional Strategies and Techniques in Content Area Specialty;
- C. Assessment, Student Data, and Data-Based Decision-Making;
- D. Strategies for Content Literacy;
- E. Critical Thinking and Problem Solving; and
- F. English Language Learning;

2. Individual Student Needs. Candidates build a robust knowledge of learners and the learning environment –

- A. Psychological Development of the Child and Adolescent;
- B. Psychology/Education of the Exceptional Child;
- C. Differentiated Learning;
- D. Classroom Management;
- E. Cultural Diversity; and
- F. Education Psychology;

3. Schools and the Teaching Profession. Candidates fully understand the role of schools and schooling as well as the professional responsibilities of teachers, including a means of professional growth –

- A. Consultation and Collaboration; and
- B. Legal/Ethical Aspects of Teaching; and

4. Content Knowledge for Teaching and Teaching and Learning Strategies (minimum requirement of twenty-one (21) semester hours) –

A. At a minimum, the teaching method competencies shall include:

(I) Elementary Literacy (minimum total of twelve (12) semester hours) – to address the following topics:

- (a) Phonological and phonemic awareness;
- (b) Phonics;
- (c) Fluency;
- (d) Vocabulary;
- (e) Reading Comprehension;
- (f) Reading Difficulties;
- (g) Literacy Curriculum and Instruction;
- (h) Literacy Assessment;
- (i) Application of Assessment Data;
- (j) Writing Instruction;
- (k) Family and Community Literacies and Partnerships; and
- (l) Student Engagement in Literacy;

(II) Mathematics (minimum of six (6) total semester hours);

(III) Science; and

(IV) Social Science;

B. Integration of the following areas:

(I) Art;

(II) Music;

(III) Health and Physical Education; and

(IV) Technology in Education; and

[(C)](D) Field and Clinical Experiences (ten (10) semester hours). Field and clinical experiences should be appropriate to the progress of the student through the program and should be supervised through a close partnership of highly-qualified professionals in appropriate school settings.

1. Early Field Experiences (one (1) semester hour with a minimum of thirty (30) clock hours). The early field experience includes placements in which candidates observe students, support teachers, and respond to specific class assignments. The candidate may work with students individually and/or in small groups as requested and under the supervision of the classroom teacher.

2. Mid-Level Field Experiences (one (1) semester hour with a minimum of forty-five (45) clock hours). The mid-level experience occurs between the initial placement and the culminating clinical experiences. At the mid-level, candidates continue to observe; respond to specific class assignments; and work with students individually, in small groups, and in whole class settings as requested and under the supervision of the classroom teacher.

3. Culminating Clinical Experiences (eight (8) semester hours with a minimum of twelve (12) weeks in one (1) placement). The culminating experience refers to placements typically in the final sequence leading up to and including student teaching. Candidates actively participate and complete required assignments, work with students as requested and under the supervision of the classroom teacher, and have the opportunity and responsibility to lead the class over an extended period of time.

[(2) The requirements of this rule shall become effective August 1, 2019.]

AUTHORITY: sections 161.092, 168.011, 168.071, 168.081, 168.400, 168.405, and 168.409, RSMo 2016, and section 168.021, RSMo Supp. [2020] 2022. Original rule filed Oct. 29, 2013, effective May 30, 2014. Amended: Filed June 22, 2018, effective Jan. 30, 2019. Amended: Filed Nov. 2, 2020, effective May 30, 2021. Amended: Filed Feb. 10, 2023.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions forty-three thousand dollars (\$43,000) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, ATTN: Dr. Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480 or by email to educatorquality@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST****I. TITLE 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 400—Office of Educator Quality**

Rule Number and Name:	5 CSR 20-400.520 Certification Requirements for Teacher of Elementary Education (Grades 1-6)
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Educator Preparation Programs (EPP) in Institutions of Higher Education (IHE)	\$43,000

III. WORKSHEET

The Missouri Department of Elementary and Secondary Education (department) recognizes that altering curriculum and programs to address the changes reflected in the proposed amendment would require labor on the part of IHE personnel. The department estimates that those costs will vary depending on the IHE, but could cost up to \$1,000 per IHE.

There are potentially 43 IHEs that could incur labor costs to revise curriculum, review and choose appropriate texts, develop new resources, prepare and justify formal proposals for curricular change, and guide those proposals through multiple stages.

$$43 \times \$1,000 = \$43,000$$

IV. ASSUMPTIONS

The department assumes that EPPs regularly review and revise curriculum and that the changes required by this proposed amendment would not be extraordinary relative to typical alterations.

IHEs will have to invest resources in two main categories: academic and administrative. Academic costs include faculty time to revise curriculum, review and choose appropriate texts, and develop new resources. Administrative costs are those associated with preparing and justifying formal proposals for curricular change and then guiding those proposals through multiple stages (e.g. department, college, Dean, Provost, etc.). Depending upon the size of the institution, the work may be distributed in various ways between office staff, faculty, and IHE administration. This difference in the distribution of labor may create a significant variation in cost between IHEs.

**TITLE 5 – DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20 – Division of Learning Services
Chapter 400 – Office of Educator Quality**

PROPOSED AMENDMENT

5 CSR 20-400.530 Certification Requirements for a Teacher of Middle School Education (Grades 5-9). The State Board of Education is amending subsection (1)(B) and subparagraph (1)(B)5.H., adding subsection (1)(C), deleting section (2), and re-numbering accordingly.

PURPOSE: This amendment will revise the literacy competencies in the certification requirements for Teacher of Middle School Education (Grades 5-9), which will be effective August 1, 2025.

(1) An applicant for a Missouri certificate of license to teach Middle School Education who possesses good moral character may be granted an initial Missouri certificate of license to teach Middle School Education subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to Middle School Education:

(B) Professional Requirements **Effective until August 1, 2025.** A minimum of forty-five (45) semester hours in professional education. Competency must be demonstrated in the following areas listed to the satisfaction of the educator preparation program:

1. Content Planning and Delivery. Candidates are prepared with a deep knowledge of and understand the relationship among curriculum, instruction, and assessment –

A. Curriculum and Instructional Planning;

B. Instructional Strategies and Techniques in Content Area Specialty;

C. Assessment, Student Data, and Data-Based Decision-Making;

D. Strategies for Content Literacy;

E. Critical Thinking and Problem Solving; and

F. English Language Learning;

2. Individual Student Needs. Candidates build a robust knowledge of learners and the learning environment –

A. Psychological Development of the Child and Adolescent;

B. Psychology/Education of the Exceptional Child;

C. Differentiated Learning;

D. Classroom Management;

E. Cultural Diversity; and

F. Educational Psychology;

3. Schools and the Teaching Profession. Candidates fully understand the role of schools and schooling as well as the professional responsibilities of teachers, including a means of professional growth –

A. Consultation and Collaboration;

B. Legal/Ethical Aspects of Teaching; and

C. Middle School Philosophy and Organization;

4. Middle School Literacy (minimum of six (6) semester hours); to include coursework in methods of teaching reading and writing in the content area, and to include instructional interventions for students with reading deficits; **and**

5. Content Knowledge for Teaching (minimum requirement of twenty-four (24) semester hours). Subject area certification in grades five through nine (5-9) will be granted upon the basis of a minimum of twenty-four (24) semester hours with appropriate distribution as determined by the educator preparation program and/or the department, in one (1) of the

following areas:

A. Agricultural Education (5-9);

B. Business Education (5-9);

C. Technology and Engineering (5-9);

D. Language Arts (5-9);

E. Mathematics (5-9);

F. Science (5-9);

G. Social Science (5-9); and

H. Speech/Theatre (5-9); *[and]*

(C) Professional Requirements **Effective August 1, 2025.** A minimum of forty-five (45) semester hours in professional education. Competency must be demonstrated in the following areas to the satisfaction of the educator preparation program:

1. Content Planning and Delivery. Candidates are prepared with a deep knowledge of and understand the relationship among curriculum, instruction, and assessment –

A. Curriculum and Instructional Planning;

B. Instructional Strategies and Techniques in Content Area Specialty;

C. Assessment, Student Data, and Data-Based Decision-Making;

D. Strategies for Content Literacy;

E. Critical Thinking and Problem Solving; and

F. English Language Learning;

2. Individual Student Needs. Candidates build a robust knowledge of learners and the learning environment –

A. Psychological Development of the Child and Adolescent;

B. Psychology/Education of the Exceptional Child;

C. Differentiated Learning;

D. Classroom Management;

E. Cultural Diversity; and

F. Educational Psychology;

3. Schools and the Teaching Profession. Candidates fully understand the role of schools and schooling as well as the professional responsibilities of teachers, including a means of professional growth –

A. Consultation and Collaboration;

B. Legal/Ethical Aspects of Teaching; and

C. Middle School Philosophy and Organization;

4. Middle School Literacy (minimum of six (6) semester hours). Candidates demonstrate the skills and knowledge necessary to support the development of student literacy. At a minimum, coursework must address the following topics:

A. The core components of reading, including phonemic awareness, phonics, fluency, comprehension, morphology, syntax, and vocabulary;

B. Oral and written language development;

C. Identification of reading deficiencies, dyslexia, and other language difficulties;

D. The selection and use of reading curricula and instructional materials;

E. The administration and interpretation of assessments;

F. The translation of assessment results into effective practice in the classroom specific to the needs of students; **and**

G. Methods of teaching reading and writing in the content area; **and**

5. Content Knowledge for Teaching (minimum requirement of twenty-four (24) semester hours). Subject area certification in grades five through nine (5-9) will be granted upon the basis of a minimum of twenty-four (24) semester hours with appropriate distribution as determined by the

educator preparation program and/or the department, in one (1) of the following areas:

- A. Agricultural Education (5-9);
- B. Business Education (5-9);
- C. Technology and Engineering (5-9);
- D. Language Arts (5-9);
- E. Mathematics (5-9);
- F. Science (5-9);
- G. Social Science (5-9); and
- H. Speech/Theatre (5-9); and

[(C)](D) Field and Clinical Experiences (ten (10) semester hours). Field and clinical experiences should be appropriate to the progress of the student through the program and should be supervised through a close partnership of highly[-]qualified professionals in appropriate school settings.

1. Early Field Experiences (one (1) semester hour with a minimum of thirty (30) clock hours). The early field experience includes placements in which candidates observe students, support teachers, and respond to specific class assignments. The candidate may work with students individually and/or in small groups as requested and under the supervision of the classroom teacher.

2. Mid-Level Field Experiences (one (1) semester hour with a minimum of forty-five (45) clock hours). The mid-level experience occurs between the initial placement and the culminating clinical experiences. At the mid-level, candidates continue to observe; respond to specific class assignments; and work with students individually, in small groups, and in whole class settings as requested and under the supervision of the classroom teacher.

3. Culminating Clinical Experiences (eight (8) semester hours with a minimum of twelve (12) weeks in one (1) placement). The culminating experience refers to placements typically in the final sequence leading up to and including student teaching. Candidates actively participate and complete required assignments, work with students as requested and under the supervision of the classroom teacher, and have the opportunity and responsibility to lead the class over an extended period of time.

[(2) *The requirements of this rule shall become effective August 1, 2017.*]

AUTHORITY: sections 161.092, 168.011, 168.071, 168.081, 168.400, 168.405, and 168.409, RSMo 2016, and section 168.021, RSMo Supp. [2020] 2022. Original rule filed Oct. 29, 2013, effective May 30, 2014. Amended: Filed Nov. 2, 2020, effective May 30, 2021. Amended: Filed Feb. 10, 2023.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions forty-three thousand dollars (\$43,000) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, ATTN: Dr. Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480 or by email to educatorquality@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

**I. TITLE 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 400—Office of Educator Quality**

Rule Number and Name:	5 CSR 20-400.530 Certification Requirements for a Teacher of Middle School Education (Grades 5-9)
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Educator Preparation Programs (EPP) in Institutions of Higher Education (IHE)	\$43,000

III. WORKSHEET

The Missouri Department of Elementary and Secondary Education (department) recognizes that altering curriculum and programs to address the changes reflected in the proposed amendment would require labor on the part of IHE personnel. The department estimates that those costs will vary depending on the IHE, but could cost up to \$1,000 per IHE.

There are potentially 43 IHEs that could incur labor costs to revise curriculum, review and choose appropriate texts, develop new resources, prepare and justify formal proposals for curricular change, and guide those proposals through multiple stages.

$$43 \times \$1,000 = \$43,000$$

IV. ASSUMPTIONS

The department assumes that EPPs regularly review and revise curriculum and that the changes required by this proposed amendment would not be extraordinary relative to typical alterations.

IHEs will have to invest resources in two main categories: academic and administrative. Academic costs include faculty time to revise curriculum, review and choose appropriate texts, and develop new resources. Administrative costs are those associated with preparing and justifying formal proposals for curricular change and then guiding those proposals through multiple stages (e.g. department, college, Dean, Provost, etc.). Depending upon the size of the institution, the work may be distributed in various ways between office staff, faculty, and IHE administration. This difference in the distribution of labor may create a significant variation in cost between IHEs.

**TITLE 5 – DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20 – Division of Learning Services
Chapter 400 – Office of Educator Quality**

PROPOSED AMENDMENT

5 CSR 20-400.540 Certification Requirements for Teacher of Secondary Education (Grades 9-12). The State Board of Education is amending subsection (1)(B) and paragraph (1)(B)4., adding subsection (1)(C), deleting section (16), and renumbering accordingly.

PURPOSE: This amendment revises the literacy competencies in the certification requirements for Teacher of Secondary Education (Grades 9-12), which will be effective August 1, 2025.

(1) An applicant for a Missouri certificate of license to teach Secondary Education who possesses good moral character may be granted an initial Missouri certificate of license to teach Secondary Education subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to Secondary Education:

(B) Professional Requirements **Effective until August 1, 2025.** A minimum requirement of thirty-six (36) semester hours in professional education. Competency must be demonstrated in the following topics *[listed]* to the satisfaction of the educator preparation institution:

1. Content Planning and Delivery. Candidates are prepared with a deep knowledge of and understand the relationship among curriculum, instruction, and assessment –

A. Curriculum and Instructional Planning;
B. Instructional Strategies and Techniques in Content Area Specialty;

C. Assessment, Student Data, and Data-Based Decision-Making;

D. Strategies for Content Literacy;
E. Critical Thinking and Problem Solving; and
F. English Language Learning;

2. Individual Student Needs. Candidates build a robust knowledge of learners and the learning environment –

A. Psychological Development of the Child and Adolescent;

B. Psychology/Education of the Exceptional Child;
C. Differentiated Learning;
D. Classroom Management;
E. Cultural Diversity; and
F. Educational Psychology;

3. Schools and the Teaching Profession. Candidates fully understand the role of schools and schooling as well as the professional responsibilities of teachers, including a means of professional growth –

A. Consultation and Collaboration; and
B. Legal/Ethical Aspects of Teaching; and

4. Secondary Literacy (minimum of six (6) semester hours);*],* to include coursework specific to teaching reading and writing in the content area for which certification is sought, and to include instructional interventions for students with reading deficits; *[and]*

(C) Professional Requirements **Effective August 1, 2025.** A minimum requirement of thirty-six (36) semester hours in professional education. Competency must be demonstrated in the following topics to the satisfaction of the educator preparation institution:

1. Content Planning and Delivery. Candidates are prepared with a deep knowledge of and understand

the relationship among curriculum, instruction, and assessment –

A. Curriculum and Instructional Planning;

B. Instructional Strategies and Techniques in Content Area Specialty;

C. Assessment, Student Data, and Data-Based Decision-Making;

D. Strategies for Content Literacy;

E. Critical Thinking and Problem Solving; and

F. English Language Learning;

2. Individual Student Needs. Candidates build a robust knowledge of learners and the learning environment –

A. Psychological Development of the Child and Adolescent;

B. Psychology/Education of the Exceptional Child;

C. Differentiated Learning;

D. Classroom Management;

E. Cultural Diversity; and

F. Educational Psychology;

3. Schools and the Teaching Profession. Candidates fully understand the role of schools and schooling as well as the professional responsibilities of teachers, including a means of professional growth –

A. Consultation and Collaboration; and

B. Legal/Ethical Aspects of Teaching; and

4. Secondary Literacy (minimum of six (6) semester hours). Candidates demonstrate the skills and knowledge necessary to support the development of student literacy. At a minimum, coursework must address the following topics:

A. The core components of reading, including phonemic awareness, phonics, fluency, comprehension, morphology, syntax, and vocabulary;

B. Oral and written language development;

C. Identification of reading deficiencies, dyslexia, and other language difficulties;

D. The selection and use of reading curricula and instructional materials;

E. The administration and interpretation of assessments;

F. The translation of assessment results into effective practice in the classroom specific to the needs of students; and

G. Methods of teaching reading and writing in the content area; and

[(C)](D) Field and Clinical Experiences (ten (10) semester hours). Field and clinical experiences should be appropriate to the progress of the student through the program and should be supervised through a close partnership of highly/*]-*qualified professionals in appropriate school settings.

1. Early Field Experiences (one (1) semester hour with a minimum of thirty (30) clock hours). The early field experience includes placements in which candidates observe students, support teachers, and respond to specific class assignments. The candidate may work with students individually and/or in small groups as requested and under the supervision of the classroom teacher.

2. Mid-Level Field Experiences (one (1) semester hour with a minimum of forty-five (45) clock hours). The mid-level experience occurs between the initial placement and the culminating clinical experiences. At the mid-level, candidates continue to observe; respond to specific class assignments; and work with students individually, in small groups, and in whole class settings as requested and under the supervision of the classroom teacher.

3. Culminating Clinical Experiences (eight (8) semester

hours with a minimum of twelve (12) weeks in one (1) placement). The culminating experience refers to placements typically in the final sequence leading up to and including student teaching. Candidates actively participate and complete required assignments, work with students as requested and under the supervision of the classroom teacher, and have the opportunity and responsibility to lead the class over an extended period of time.

[(16) The requirements of this rule shall become effective August 1, 2019.]

*AUTHORITY: sections 161.092, 168.011, 168.071, 168.081, 168.400, 168.405, and 168.409, RSMo 2016, and section 168.021, RSMo Supp. [2021] 2022. Original rule filed Oct. 29, 2013, effective May 30, 2014. For intervening history, please consult the **Code of State Regulations**. Amended: Filed: Feb. 10, 2023.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions forty-three thousand dollars (\$43,000) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, ATTN: Dr. Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480 or by email to educatorquality@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST****I. TITLE 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 400—Office of Educator Quality**

Rule Number and Name:	5 CSR 20-400.540 Certification Requirements for Teacher of Secondary Education (Grades 9–12)
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Educator Preparation Programs (EPP) in Institutions of Higher Education (IHE)	\$43,000

III. WORKSHEET

The Missouri Department of Elementary and Secondary Education (department) recognizes that altering curriculum and programs to address the changes reflected in the proposed amendment would require labor on the part of IHE personnel. The department estimates that those costs will vary depending on the IHE, but could cost up to \$1,000 per IHE.

There are potentially 43 IHEs that could incur labor costs to revise curriculum, review and choose appropriate texts, develop new resources, prepare and justify formal proposals for curricular change, and guide those proposals through multiple stages.

$$43 \times \$1,000 = \$43,000$$

IV. ASSUMPTIONS

The department assumes that EPPs regularly review and revise curriculum and that the changes required by this proposed amendment would not be extraordinary relative to typical alterations.

IHEs will have to invest resources in two main categories: academic and administrative. Academic costs include faculty time to revise curriculum, review and choose appropriate texts, and develop new resources. Administrative costs are those associated with preparing and justifying formal proposals for curricular change and then guiding those proposals through multiple stages (e.g., department, college, Dean, Provost, etc.). Depending upon the size of the institution, the work may be distributed in various ways between office staff, faculty, and IHE administration. This difference in the distribution of labor may create a significant variation in cost between IHEs.

**TITLE 5 – DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**

**Division 20 – Division of Learning Services
Chapter 400 – Office of Educator Quality**

PROPOSED AMENDMENT

5 CSR 20-400.560 Certification Requirements for Teacher of Special Education. The State Board of Education is amending subsection (4)(A), adding subsection (4)(B), deleting section (8), and renumbering accordingly.

PURPOSE: This amendment adds revised literacy competencies to the certification requirements for Teacher of Special Education, which will be effective August 1, 2025.

(4) An applicant for a Missouri certificate to teach Early Childhood Special Education (Birth–Grade 3) who possesses a baccalaureate degree from a college or university having an educator preparation program approved by the department, or from a college or university having an education program approved by the state education agency in states other than Missouri may be granted an initial Missouri certificate of license to teach Early Childhood Special Education (Birth–Grade 3) subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements:

(A) Professional Requirements **Effective until August 1, 2025.** A minimum of sixty (60) semester hours of professional preparation. Competency must be demonstrated to the satisfaction of the educator preparation institution for each topic listed.

1. Content Planning and Delivery. Candidates are prepared with a deep knowledge of and understand the relationship among curriculum, instruction, and assessment –

A. Curriculum and Instructional Planning;

B. Instructional Strategies and Techniques in Content Area Specialty;

C. Assessment, Student Data, and Data-Based Decision-Making;

D. Critical Thinking and Problem Solving;

E. English Language Learning; and

F. Evaluation of Abilities and Achievement (instruction in interpretation of individualized, formative, and summative assessments, eligibility procedures, and assessment to support evidence-based instruction).

2. Individual Student Needs. Candidates build a robust knowledge of learners and the learning environment –

A. Psychological Development of the Child and Adolescent;

B. Psychology/Education of the Exceptional Child;

C. Differentiated Learning;

D. Classroom Management;

E. Behavior Intervention Strategies;

F. Cultural Diversity; and

G. Educational Psychology.

3. Schools and the Teaching Profession. Candidates fully understand the role of schools and schooling as well as the professional responsibilities of teachers, including a means of professional growth –

A. Consultation and Collaboration;

B. Legal/Ethical Aspects of Teaching;

C. Tiered Systems for Supporting Instruction and Behavior;

D. Families as Educational Partners;

E. Family Engagement;

F. Linking Families with Resources; and

G. Individualized Education Plans and the Special Education Process.

4. Teaching and Supporting Learning of the Young Child –

A. Early Childhood Principles –

(I) Child Development;

(II) Play-Based and Inquiry-Based Learning;

(III) Observing and Assessing Young Children;

(IV) Language Acquisition; and

(V) Alternative and Augmentative Communication;

B. Methods of Teaching and Differentiated Instruction in the following integrated areas (minimum requirement of fifteen (15) hours):

(I) Early Literacy (minimum of six (6) semester hours) to address curriculum, explicit and systematic instruction, and assessment of –

(a) Language acquisition;

(b) Phonological and phonemic awareness;

(c) Phonics;

(d) Vocabulary;

(e) Fluency;

(f) Comprehension; and

(g) Writing process using authentic text and purposes;

(II) Math;

(III) Health;

(IV) Science;

(V) Nutrition;

(VI) Social Studies;

(VII) Music;

(VIII) Safety;

(IX) Movement;

(X) Art;

(XI) Drama; and

(XII) Instructional and Assistive Technology; and

5. Program Management –

A. Program Administration and Management;

B. Health, Nutrition, and Safety of Young Children;

C. Environmental Organization and Design; and

D. Procedural Safeguards;

(B) Professional Requirements effective August 1, 2025. A minimum of sixty (60) semester hours of professional preparation. Competency must be demonstrated to the satisfaction of the educator preparation institution for each topic listed.

1. Content Planning and Delivery. Candidates are prepared with a deep knowledge of and understand the relationship among curriculum, instruction, and assessment –

A. Curriculum and Instructional Planning;

B. Instructional Strategies and Techniques in Content Area Specialty;

C. Assessment, Student Data, and Data-Based Decision-Making;

D. Critical Thinking and Problem Solving;

E. English Language Learning; and

F. Evaluation of Abilities and Achievement (instruction in interpretation of individualized, formative, and summative assessments, eligibility procedures, and assessment to support evidence-based instruction).

2. Individual Student Needs. Candidates build a robust knowledge of learners and the learning environment –

A. Psychological Development of the Child and Adolescent;

B. Psychology/Education of the Exceptional Child;

C. Differentiated Learning;

D. Classroom Management;

- E. Behavior Intervention Strategies;
- F. Cultural Diversity; and
- G. Educational Psychology.

3. Schools and the Teaching Profession. Candidates fully understand the role of schools and schooling as well as the professional responsibilities of teachers, including a means of professional growth –

- A. Consultation and Collaboration;
- B. Legal/Ethical Aspects of Teaching;
- C. Tiered Systems for Supporting Instruction and Behavior;
- D. Families as Educational Partners;
- E. Family Engagement;
- F. Linking Families with Resources; and
- G. Individualized Education Plans and the Special Education Process.

4. Teaching and Supporting Learning of the Young Child –

- A. Early Childhood Principles –
 - (I) Child Development;
 - (II) Play-Based and Inquiry-Based Learning;
 - (III) Observing and Assessing Young Children;
 - (IV) Language Acquisition; and
 - (V) Alternative and Augmentative Communication;
- B. Methods of Teaching and Differentiated Instruction in the following integrated areas (minimum requirement of fifteen (15) hours):

(I) Early Literacy (minimum of six (6) semester hours) to address the following topics:

- (a) Phonological and Phonemic Awareness;
- (b) Phonics;
- (c) Fluency;
- (d) Vocabulary;
- (e) Reading Comprehension;
- (f) Reading Difficulties;
- (g) Literacy Curriculum and Instruction;
- (h) Literacy Assessment;
- (i) Application of Assessment Data;
- (j) Writing Instruction;
- (k) Family and Community Literacies and Partnerships; and

- (l) Student Engagement in Literacy;
- (II) Math;
- (III) Health;
- (IV) Science;
- (V) Nutrition;
- (VI) Social Studies;
- (VII) Music;
- (VIII) Safety;
- (IX) Movement;
- (X) Art;
- (XI) Drama; and
- (XII) Instructional and Assistive Technology; and

5. Program Management –

- A. Program Administration and Management;
- B. Health, Nutrition, and Safety of Young Children;
- C. Environmental Organization and Design; and
- D. Procedural Safeguards; and

[(B)](C) Field and Clinical Experiences (minimum requirement of ten (10) semester hours). Field and clinical experiences should be appropriate to the progress of the student through the program and should be supervised through a close-partnership of highly[-]qualified professionals in appropriate school settings. Such field and clinical experiences shall meet the minimum hours required in paragraphs (4)[(B)](C)1.–3., to include experiences in each of the three (3) different age levels

(Infant/Toddler, Pre-K/Kindergarten, and Kindergarten – Grade 3).

1. Early Field Experiences (one (1) semester hour with a minimum of thirty (30) clock hours). This limited field experience includes placements in which candidates observe students, support teachers, and respond to specific class assignments. The candidate may work with students individually and/or in small groups as requested and under the supervision of the classroom teacher.

2. Mid-Level Experiences (one (1) semester hour with a minimum of forty-five (45) clock hours). The mid-level experience occurs between the initial placement and the culminating clinical experiences. At the mid-level, candidates continue to observe[;], respond to specific class assignments[;], and work with students individually, in small groups, and in whole class settings as requested and under the supervision of the classroom teacher.

3. Culminating Clinical Experiences (eight (8) semester hours with a minimum of twelve (12) weeks in one (1) placement). The culminating experience refers to placements typically in the final sequence leading up to and including student teaching. Candidates actively participate and complete required assignments, work with students as requested and under the supervision of the classroom teacher, and have the opportunity and responsibility to lead the class over an extended period of time.

[(8) The requirements of this rule shall become effective August 1, 2019.]

AUTHORITY: sections 161.092, 168.011, 168.071, 168.081, 168.400, 168.405, and 168.409, RSMo 2016, and section 168.021, RSMo Supp. [2020] 2022. Original rule filed Oct. 29, 2013, effective May 30, 2014. Amended: Filed June 21, 2018, effective Jan. 30, 2019. Amended: Filed Nov. 2, 2020, effective May 30, 2021. Amended: Filed Feb. 10, 2023.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions forty-three thousand dollars (\$43,000) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, ATTN: Dr. Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480 or by email to educatorquality@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

**I. TITLE 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 400—Office of Educator Quality**

Rule Number and Name:	5 CSR 20-400.560 Certification Requirements for Teacher of Special Education
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Educator Preparation Programs (EPP) in Institutions of Higher Education (IHE)	\$43,000

III. WORKSHEET

The Missouri Department of Elementary and Secondary Education (department) recognizes that altering curriculum and programs to address the changes reflected in the proposed amendment would require labor on the part of IHE personnel. The department estimates that those costs will vary depending on the IHE, but could cost up to \$1,000 per IHE.

There are potentially 43 IHEs that could incur labor costs to revise curriculum, review and choose appropriate texts, develop new resources, prepare and justify formal proposals for curricular change, and guide those proposals through multiple stages.

$$43 \times \$1,000 = \$43,000$$

IV. ASSUMPTIONS

The department assumes that EPPs regularly review and revise curriculum and that the changes required by this proposed amendment would not be extraordinary relative to typical alterations.

IHEs will have to invest resources in two main categories: academic and administrative. Academic costs include faculty time to revise curriculum, review and choose appropriate texts, and develop new resources. Administrative costs are those associated with preparing and justifying formal proposals for curricular change and then guiding those proposals through multiple stages (e.g., department, college, Dean, Provost, etc.). Depending upon the size of the institution, the work may be distributed in various ways between office staff, faculty, and IHE administration. This difference in the distribution of labor may create a significant variation in cost between IHEs.

**TITLE 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 500—Office of Adult Learning and
Rehabilitation Services**

PROPOSED AMENDMENT

5 CSR 20-500.230 Maintenance and Transportation. The State Board of Education is amending the purpose statement and sections (1) and (2), adding sections (3) and (4), and adding material incorporated by reference.

PURPOSE: This amendment reflects the name change from the Division of Vocational Rehabilitation to Vocational Rehabilitation, Office of Adult Learning and Rehabilitation Services; provides basis for the determination of service costs; and incorporates by reference applicable federal regulations and web-based platforms.

PURPOSE: This rule establishes the standards for maintenance and transportation services provided by [the Division of] Vocational Rehabilitation, Office of Adult Learning and Rehabilitation Services, Department of Elementary and Secondary Education, for eligible individuals with disabilities pursuant to the Rehabilitation Act of 1973 as amended and [the Code of Federal Regulations] 34 CFR section 361.5(c)(34) and (56).

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

[(1) The following maintenance and transportation services as defined in the federal act and/or applicable regulations may be provided to applicants or eligible individuals regardless of financial need:

(A) Maintenance when required to enable the applicant or eligible individual required to leave their domicile and relocate forty-five (45) miles or more to participate in diagnostic evaluation/services; and/or

(B) Transportation when required to enable an applicant or eligible individual to participate in diagnostic evaluation/services.]

(1) Definitions.

(A) Maintenance – monetary support authorized and provided by Vocational Rehabilitation (VR) to an individual that is in excess of the normal expenses of the individual and that is necessitated by the individual's participation in an assessment for determining eligibility and vocational rehabilitation needs or the individual's receipt of VR services under an individualized plan for employment (IPE).

(B) Transportation – the necessary travel and related expenses, authorized and provided by VR, to enable an applicant or eligible individual to participate in a VR service, including expenses for training in the use of public transportation vehicles and systems.

[(2) The following maintenance and transportation services as defined in the federal act and/or applicable regulations may be provided to applicants or eligible individuals based upon financial need. Exceptions may be made if the individual will suffer

economic hardship.

(A) Maintenance (noon meals, personal maintenance, placement maintenance, room and board) may be authorized in association with an eligible individual's Individualized Plan for Employment (IPE) when the eligible individual is required to leave their domicile and relocate forty-five (45) miles or more and it is necessary for the eligible individual to receive services.

1. Maintenance may be paid if the actual time required for the service is twenty (20) or more hours per week or the actual time required for the service is less than twenty (20) hours per week and the service is not available within the forty-five (45) miles commuting distance of the eligible individual's home.

2. An eligible individual, considered as either independent or dependent in the family household, who is required to leave their domicile and relocate forty-five (45) miles or more, may receive two dollars and fifty cents (\$2.50) maximum per day for lunch. An eligible individual considered as independent in the family household, who is required to leave their domicile and relocate forty-five (45) miles or more, may receive up to an additional fifteen dollars (\$15) maximum per week if the Division of Vocational Rehabilitation (DVR) can establish a strong economic need. Exceptions may be made if the individual will suffer economic hardship under the plan and there are no available financial resources.

3. Personal maintenance, up to ten dollars (\$10) per week, may be authorized for eligible individuals who are considered an independent in the family household and required to leave their domicile and relocate forty-five (45) miles or more.

4. Placement maintenance may be authorized for a period not to exceed four (4) weeks in association with an IPE for those eligible individuals who are required to leave their domicile and relocate forty-five (45) miles or more. This plan should include an emphasis in specific job seeking activities. Placement maintenance may be authorized for a period not to exceed four (4) weeks if the individual is employed or until the individual receives a paycheck (whichever period is shorter).

5. Room and board during college training, up to the amount of the dormitory fees at the nearest Missouri tax supported college, may be authorized for those eligible individuals who are required to leave their domicile and relocate forty-five (45) miles or more.

6. Maintenance will not be paid during holiday breaks, absences, or vacations during the eligible individual's plan except when failure to pay maintenance would jeopardize the planned services.

7. DVR will not authorize maintenance for correspondence or tutorial training, or during convalescent care or hospitalization.

(B) Transportation may be authorized by DVR in association with an IPE when necessary for the eligible individual to travel to and from the place of primary service. Transportation assistance will be based upon the individual attending the nearest location.

1. If the eligible individual elects to obtain primary rehabilitation services at a location not within commuting distance (generally one (1) hour travel time and/or approximately forty-five (45) miles) and the services are available within commuting distance, the eligible individual is responsible for all costs exceeding those authorized by DVR for primary rehabilitation services within commuting distance.

2. An exception may be approved by DVR if the eligible individual suffers an economic hardship under the plan and there are no other available financial resources.

3. Mileage reimbursement to eligible individuals will be calculated at thirty percent (30%) of the most current mileage reimbursement rate for state of Missouri employees issued by

the Missouri Office of Administration.

A. Mileage reimbursement may be authorized under the following conditions:

(I) The eligible individual is unable to travel by common carrier; or

(II) Bus service is not available; or

(III) The cost by private transportation is less.

4. Air travel may be provided in instances of significant impairment necessitating such mode of travel and in instances where the overall cost to DVR would be the most cost-effective method.]

(2) VR may provide the following maintenance and transportation services to applicants or eligible individuals regardless of the individual's financial need:

(A) Maintenance. When an applicant or eligible individual is required to leave his or her domicile and travel to participate in an assessment or diagnostic evaluation –

1. VR will authorize a reasonable rate for lodging when travel of forty-five (45) miles or more one (1) way is required and overnight accommodations are necessary. VR may use a national web-based platform to determine the reasonable rate for lodging. The platform must use rates established by the General Services Administration (GSA);

2. VR will authorize a reasonable meal per diem rate. VR may use a web-based platform to determine the reasonable meal per diem rate. The platform must use rates established by the Missouri Office of Administration; and

(B) Transportation. When required to enable an applicant or eligible individual to participate in an assessment or diagnostic evaluation –

1. VR will authorize a reasonable rate for mileage. VR may use a web-based platform to determine the reasonable rate for mileage. The platform must use rates established by the Missouri Office of Administration; or

2. VR will authorize reasonable modes of transportation, such as a taxi, bus, or ridesharing service, when mileage reimbursement is not feasible.

(3) VR may provide maintenance and transportation services to eligible individuals based on their financial need and the nature and scope of services necessary for their individualized needs. VR will not pay maintenance or transportation when the eligible individual is no longer participating in the services on the current IPE. VR will not authorize maintenance to an individual for online training, during convalescent care, or hospitalization. VR may provide the following maintenance and transportation services to eligible individuals:

(A) Maintenance. VR may provide maintenance under the following circumstances and guidelines:

1. When required for the eligible individual to travel, but not relocate, in order to participate in services on the individual's IPE –

A. VR will authorize a reasonable rate for lodging when travel of forty-five (45) miles or more one (1) way is required and overnight accommodations are necessary. VR may use a national web-based platform to determine the reasonable rate for lodging. The platform must use rates established by the GSA; and

B. If an eligible individual is required to travel to participate in services, VR may authorize meal costs at a reasonable meal per diem rate. VR may use a web-based platform to determine the reasonable meal per diem rate. The platform must use rates established by the Missouri Office of Administration;

2. When required for the eligible individual to leave his or her domicile and relocate forty-five (45) miles or more one (1) way to participate in services on the individual's IPE –

A. VR may use a national web-based platform to determine the reasonable rate for housing and utilities. The platform for housing must use rates that are established by the U.S. Department of Housing and Urban Development, and the platform for utilities must use rates that are established by the Bureau of Labor Statistics;

B. If an eligible individual is required to relocate in order to participate in services, VR may authorize a reasonable weekly rate, which includes food and other basic necessities. VR may use a web-based platform to determine the reasonable weekly rate. The platform must use rates established by the U.S. Department of Agriculture and the Bureau of Labor Statistics;

C. VR may assist with the cost of on-campus room and board during postsecondary training; and

D. VR may authorize placement maintenance in association with an IPE for an eligible individual who requires relocation for job placement or job seeking; and

3. VR may authorize the purchase of uniforms/clothing for an eligible individual if it is necessary for participation in services under an IPE; and

(B) Transportation assistance: The provision of transportation assistance requires the individual to attend the nearest available primary service location.

1. VR will authorize a reasonable rate for mileage. VR may use a web-based platform to determine the reasonable rate for mileage. The platform must use rates established by the Missouri Office of Administration.

2. VR will authorize reasonable means of transportation, such as a taxi, bus, or ridesharing service, when mileage reimbursement is not feasible.

3. If the eligible individual elects to obtain primary rehabilitation services at a location not within forty-five (45) miles one (1) way of his or her domicile and the services are available within commuting distance, the eligible individual is responsible for all costs exceeding those calculated at the rate of the commuting distance service location.

4. VR may authorize air travel when significant impairment necessitates such mode of travel or when the overall cost to VR would be more cost-effective than authorizing mileage reimbursement.

(4) 34 CFR section 361.5(c)(34) and (56) is hereby incorporated by reference and made part of this rule as published by the U.S. Government Publishing Office, 732 North Capitol Street NW, Washington, DC 20401-0001, February 2023; and Department of Elementary and Secondary Education, Office of Adult Learning and Rehabilitation Services, Vocational Rehabilitation Maintenance and Transportation Rates at <https://dese.mo.gov/vr-maintenance-and-transportation-rates> as published February 2023. Copies of the regulation and pages from the referenced website can also be obtained from the Department of Elementary and Secondary Education, Office of Adult Learning and Rehabilitation Services, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480 and at <https://dese.mo.gov/governmental-affairs/dese-administrative-rules/incorporated-reference-materials>. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 161.092, [RSMo Supp. 2002 and] 178.600, 178.610, and 178.620, RSMo [2000] 2016. This rule previously filed

as 5 CSR 90-5.420. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Amended: Filed March 27, 2003, effective Oct. 30, 2003. Moved to 5 CSR 20-500.230, effective Aug. 16, 2011. Amended: Filed Feb. 10, 2023.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions one hundred forty-six thousand and thirty dollars (\$146,030) annually for the duration of the rule.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Chris Clause, PhD., Assistant Commissioner, Office of Adult Learning and Rehabilitation Services, 3024 Dupont Circle, Jefferson City, MO 65109, or by email to info@vr.dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

**I. TITLE 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 500—Office of Adult Learning and Rehabilitation Services**

Rule Number and Name:	5 CSR 20-500.230 Maintenance and Transportation
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate \$0
Department of Elementary & Secondary Education, Vocational Rehabilitation	Estimated annual increase in costs \$146,030

III. WORKSHEET

Estimate based upon amount of Maintenance and Transportation paid in SFY22.
Maintenance Monthly Payments to Participants SFY22: 315 Payments.
Transportation Number of Miles Reimbursed in SFY22: 1,145,300 Miles.

Potential Impact of Rule:

Maintenance: An increase of an average \$90 per monthly maintenance payment (22.50 per week). Estimate of Impact: $315 \times \$90 = \$28,350$

Transportation: A \$0.10 increase in per mile reimbursement (from 0.14 to 0.24 per mile).
Estimate of Impact: $1,145,300 \times \$0.10 = \$114,530$

Total Estimated Rule Impact: \$146,030

IV. ASSUMPTIONS

1. Impact of rule change is exclusive to participant mileage and maintenance expenditures. Lodging and housing have no fiscal impact since reasonableness of the amount paid was part of the previous rule.
2. Impact of rule change for maintenance on VR program is dependent on number of client's traveling or relocating to participate in services in any given year.

3. Estimate of impact for maintenance is based upon number of payments. Maintenance is authorized and paid on a monthly basis. The current average of monthly maintenance (meals, head of household, and personal maintenance) is \$77.50 per week. The rate that will be implemented with the new rule is estimated at \$100.00 per week using the sources cited in the rule (U.S. Department of Agriculture and Bureau of Labor Statistics Consumer Expenditure Survey).
4. Estimate of impact for transportation is based upon the number of miles reimbursed in SFY22. The number of miles was calculated by dividing the dollar amount reimbursed by the mileage reimbursement rate in SFY22. VR expended \$160,342 in mileage payments in SFY22. The mileage rate was 0.14 per mile. $\$160,342 / 0.14 = 1,145,300$ miles.
5. Estimated impact for transportation expenditures is based upon the number of miles reimbursed times the increase to the mileage rate. The rate that will be implemented is an increase from 30% to 50% of the Missouri Office of Administration (OA) State Mileage Rate reimbursed to state employees. In SFY22, the state rate was \$0.49 per mile. 30% of that rate is \$0.14 per mile. 50% of that rate is \$0.24 per mile.

These rates are updated by OA throughout a given year. OA rates are based upon the IRS standard mileage rates. The IRS standard mileage rate is based on an annual study of the costs of operating an automobile. The VR mileage rate of 50% of the OA rate is meant to cover fuel expenses.

**TITLE 6 – DEPARTMENT OF HIGHER EDUCATION AND
WORKFORCE DEVELOPMENT**

**Division 10 – Commissioner of Higher Education
Chapter 2 – Student Financial Assistance Programs**

PROPOSED RESCISSION

6 CSR 10-2.195 Dual Credit/Dual Enrollment Scholarship Program. This rule established the parameters for student eligibility to participate in the Dual Credit/Dual Enrollment Scholarship Program.

PURPOSE: The Coordinating Board for Higher Education approved revisions to the rule and the regulation must reflect the revisions.

AUTHORITY: section 160.545, RSMo Supp. 2021, and Executive Order 10-16, dated Jan. 29, 2010. Original rule filed Aug. 27, 2021, effective March 30, 2022. Rescinded: Filed Feb. 9, 2023.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Higher Education and Workforce Development, 301 W. High Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**TITLE 6 – DEPARTMENT OF HIGHER EDUCATION AND
WORKFORCE DEVELOPMENT**

**Division 10 – Commissioner of Higher Education
Chapter 2 – Student Financial Assistance Programs**

PROPOSED RULE

6 CSR 10-2.195 Dual Credit/Dual Enrollment Scholarship Program

PURPOSE: This rule sets forth the policies of the Coordinating Board for Higher Education regarding institutional and student eligibility for student financial assistance under the Dual Credit/Dual Enrollment Scholarship program.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Definitions.

(A) Dual Credit/Dual Enrollment Scholarship shall mean the scholarship program set forth in section 173.2505, RSMo.

(B) Approved dual credit provider shall mean a board-approved accredited Missouri higher education institution that provides dual credit courses as referenced in section 173.2500,

RSMo.

(C) Approved dual enrollment provider shall mean any institution as defined in section 173.1102, RSMo.

(D) Award year shall be from July 1 of any year through June 30 of the following year.

(E) CBHE shall mean the Coordinating Board for Higher Education created by section 173.005.2, RSMo.

(F) Department shall mean the Department of Higher Education and Workforce Development created by section 173.005.1, RSMo.

(G) Dual credit courses shall mean college-level coursework delivered by a postsecondary educational institution and taught in a Missouri high school by instructors with appropriate academic credentials to Missouri high school students earning high school and college credit simultaneously.

(H) Dual enrollment courses shall mean postsecondary courses of instruction delivered by an approved dual-enrollment provider in which a secondary school student is concurrently enrolled in a Missouri high school and the approved dual-enrollment provider.

(I) Eligible coursework shall mean dual-credit or dual-enrollment coursework provided by an approved dual-credit or dual-enrollment provider.

(J) Missouri residency, for the purpose of this rule, shall be determined by reference to the standards set forth in the determination of student residency rule, 6 CSR 10-3.010.

(K) Recipient shall mean a student whose eligibility has been verified by an approved institution in accordance with subsection (2)(A) of this rule and has been paid an award.

(L) Repeat coursework shall be any coursework for which the recipient has been assigned a grade under the institution's standard grading policy, excluding coursework for which the recipient was placed in an incomplete or withdrawn status, in a previous term.

(M) Student shall mean a student who is applying for, or has applied for, a Dual Credit/Dual Enrollment Scholarship award.

(N) Tuition and fees shall mean any charges to students classified as tuition and any institutional fees charged to all dual-credit or dual-enrollment students, excluding course-specific fees.

(2) Responsibilities of Approved Institutions.

(A) Before requesting payment for a student, verify the following:

1. The student is enrolled in eligible coursework;
2. The amount of the payment request, including the number of hours in which the student is enrolled and the credit-hour rate for those hours;
3. The student is a U.S. citizen or permanent resident; and
4. The student is a Missouri resident.

(B) Comply with the institutional responsibilities required in section 6 CSR 10-2.140(5), with the exception of paragraph 6 CSR 10-2.140(5)(A)5.

(C) Verify all other sources of non-loan funding are applied correctly to tuition and general fees, as specified in subsection (5)(D) of this rule.

(3) Eligibility Policy.

(A) To qualify for an award, a student must meet the following criteria:

1. Be a U.S. citizen or permanent resident;
2. Be a Missouri resident;
3. Be enrolled in eligible coursework;
4. Have an unweighted cumulative high school grade-point average of at least two and one-half (2.5) on a four-point (4.0) scale or the equivalent and have otherwise met the high

school's requirements for taking dual-credit or dual-enrollment coursework; and

5. Meet one or more of the following indicators of economic need:

A. Be individually eligible to be enrolled in a federal free or reduced-price lunch program, based on income levels established by the United States Department of Agriculture;

B. Reside in a foster home;

C. Be a ward of the state;

D. Be homeless as defined by Subtitle VII-B of the federal McKinney-Vento Homeless Assistance Act;

E. Receive through the immediate family low-income public assistance, including but not limited to the Supplemental Nutrition Assistance Program (SNAP) or the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); or

F. Live in federally subsidized public housing.

(4) Application and Evaluation.

(A) Students must submit a completed application by the following deadlines to be considered for this scholarship:

1. The priority deadline for the fall semester (August through December) shall be October 1 and for the spring semester (January through May) shall be February 1 of the current academic year. If the deadline falls on a non-business day, the deadline shall extend to the next business day;

2. The final deadline shall be December 1 for the fall semester and April 1 for the spring semester. If the deadline falls on a non-business day, the deadline shall extend to the next business day; and

3. Students filing after the priority deadline has passed and on or before the final deadline shall be considered for payment if funds are available.

(B) The department will evaluate each application to determine student eligibility.

(5) Award Policy.

(A) Payment shall occur each semester within one (1) award year.

(B) Award amounts shall be equal to the tuition and fees paid by the student to enroll in eligible coursework.

(C) Repeat high school dual-credit or dual-enrollment coursework will not be paid.

(D) The payment amount must be calculated based on the remaining costs of actual tuition and fees after all other non-loan aid has been applied.

(E) Payment is subject to legislative appropriation.

(F) If funds are insufficient to pay all eligible students, the department will rank eligible students by earliest application received date, and will make awards according to rank order until all available funds for the semester are expended.

(G) Payment will be made for dual-credit or dual-enrollment coursework taken in the fall and spring semesters, but no payments will be made for such coursework taken in summer school.

(H) No payment will be made retroactive to a previous award year.

(I) Payment will be made only after institutional certification of the student's eligibility and award amount.

(J) The recipient's award will be sent to the approved institution to be delivered to the student's account.

(K) A student's failure to provide required information by the established deadlines may result in loss of the Dual Credit/Dual Enrollment Scholarship for the period covered by the deadline.

(L) The CBHE has the discretion to withhold payments of any awards after initiating an inquiry into the eligibility or continued

eligibility of a student or recipient.

(M) A recipient may receive an award from more than one (1) approved institution in a semester or award year.

(6) Information Sharing Policy. All information on an individual's Dual Credit/Dual Enrollment Scholarship application may be shared with the financial aid office of the approved institution providing the individual's dual-credit or dual-enrollment coursework to permit verification of data submitted. The department may share an individual's information with federal financial aid offices, if necessary, to verify data furnished by state or federal governments as provided for in the Privacy Act of 1974, 5 U.S.C. sections 552 and 552a.

AUTHORITY: sections 173.2500 and 173.2505, RSMo Supp. 2022. Original rule filed Aug. 27, 2021, effective March 30, 2022. Rescinded and readopted: Filed Feb. 9, 2023.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Higher Education and Workforce Development, 301 W. High Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

TITLE 6 – DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT

Division 10 – Commissioner of Higher Education Chapter 2 – Student Financial Assistance Programs

PROPOSED RESCISSION

6 CSR 10-2.210 Fast Track Workforce Incentive Grant. This rule established the parameters used by the Coordinating Board for Higher Education for student and institutional participants in the Fast Track Workforce Incentive Grant.

PURPOSE: The Coordinating Board for Higher Education approved revisions to the rule and the regulation must reflect the revisions.

AUTHORITY: sections 173.2553 and 173.2554, RSMo Supp. 2019. Original rule filed Dec. 23, 2019, effective June 30, 2020. Rescinded: Filed Feb. 9, 2023.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Higher Education and Workforce Development, 301 W. High Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**TITLE 6 – DEPARTMENT OF HIGHER EDUCATION AND
WORKFORCE DEVELOPMENT**

**Division 10 – Commissioner of Higher Education
Chapter 2 – Student Financial Assistance Programs**

PROPOSED RULE

6 CSR 10-2.210 Fast Track Workforce Incentive Grant

PURPOSE: This rule sets forth the policies of the Coordinating Board for Higher Education regarding student and institutional participation in the Fast Track Workforce Incentive Grant.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Definitions.

(A) Academic year shall be twenty-four (24) semester or trimester credit hours, thirty-six (36) quarter credit hours, or nine hundred (900) clock hours, and at least thirty (30) weeks of instructional time for a credit-hour program or at least twenty-six (26) weeks of instructional time for a clock-hour program.

(B) Active apprentice status shall mean formal participation in an apprenticeship that meets any related requirements as defined by the organization providing the apprenticeship or the United States Department of Labor.

(C) At least half-time student shall mean a student who, regardless of the course delivery method, is enrolled in an eligible program at an approved institution in at least six (6) semester hours, four (4) quarter hours, twelve (12) scheduled clock hours per week, or the equivalent in another measurement system for the fall and spring terms or at least three (3) semester hours, two (2) quarter hours, twelve (12) scheduled clock hours per week, or the equivalent in another measurement system for the summer term. Any student enrolled in a program consisting of less than three hundred (300) clock hours and that is identified by the approved institution as non-credit, and any eligible apprentice participating in an eligible apprenticeship, shall be considered as meeting this definition.

(D) Applicant means a student or apprentice who filed a complete and accurate application to receive a Fast Track Workforce Incentive Grant award as prescribed by the Coordinating Board for Higher Education (CBHE) and who qualifies to receive such award under section 173.2553, RSMo, and this rule.

(E) Approved institution means any institution located in the state of Missouri that meets the requirements set forth in sections 173.1102(2), (3), or (4), RSMo, that is approved under 6 CSR 10-2.140, and that is approved to participate in the federal student financial assistance programs created in Title IV of the Higher Education Act of 1965, as amended.

(F) Award year shall be from July 1 of any year through June 30 of the following year.

(G) Board shall mean the CBHE created by section 173.005, RSMo.

(H) Credit hour shall mean an amount of student work defined by an institution, as approved by the institution's accrediting agency or state approval agency that is consistent with commonly accepted practice in postsecondary education and

that meets the requirements in 34 CFR 600.2.

(I) Clock hour shall mean a period of time that meets the requirements in 34 CFR 600.2.

(J) Department shall mean the Department of Higher Education and Workforce Development created by section 173.005, RSMo.

(K) Eligible apprentice shall mean an individual who meets the eligibility requirements in section (3) of this rule and is participating in an eligible apprenticeship.

(L) Eligible apprenticeship shall mean a United States Department of Labor-approved apprenticeship, as defined under 29 CFR 29, conducted within the state of Missouri that prepares a participant to enter employment in an area of occupational shortage as determined by the board.

(M) Eligible program shall mean a program of instruction that results in the award of a certificate, undergraduate degree, or other industry-recognized credential and that is designated by the board as preparing students to enter an area of occupational shortage as determined by the board.

(N) Eligible student shall mean an individual who meets the eligibility requirements in section (3) of this rule and is enrolled or plans to enroll at least half-time as a student in an eligible undergraduate program of study offered by an approved institution or eligible training provider.

(O) Eligible training provider shall mean a training organization or an apprenticeship employer located in Missouri and listed in the state of Missouri's Eligible Training Provider System maintained by the Office of Workforce Development in the department.

(P) Expenses mean any direct or indirect charges including but not limited to tuition, fees, books, supplies, and room and board, for educational-related expenses up to the cost of attendance.

(Q) Full-time employment shall mean full-time employment as defined by the employer or thirty (30) hours within a fixed and regularly recurring seven- (7-) day period, whichever is greater.

(R) Governmental sources of funding shall mean federal, state, and any other governmental grant or scholarship aid excluding federal work-study and aid classified as a loan and any other aid that can be converted to a loan.

(S) Income shall mean the amount identified as the federal family Adjusted Gross Income on the most recent Missouri 1040 tax return, the most recent federal 1040 tax return for active duty members of the military or their spouses, or other tax documentation the department determines is acceptable to document the federal family Adjusted Gross Income.

(T) Initial recipient shall mean a student who is an eligible student, or eligible apprentice as defined in section 173.2553.2(3), RSMo, and has not received a Fast Track award in any prior award year.

(U) Instructional hour shall mean an amount of student or apprentice classroom work that does not meet the federal credit or clock hour definitions in 34 CFR 600.2 and that is defined by an institution.

(V) Participating provider shall mean an approved institution or eligible training provider that has a complete Fast Track participation agreement on file with the department.

(W) Payment period means a subset of the academic year or award year for which a recipient can receive a Fast Track grant. For federal Title IV-eligible programs, Fast Track payment periods shall meet federal payment period standards. For non-Title IV-eligible programs, Fast Track payment periods shall be –

1. For credit programs greater than an academic year in length where the remainder of the final year of the program is greater than one-half (1/2) of an academic year, each full

academic year shall consist of two (2) payment periods, each equaling one-half (1/2) of the credit or clock hours in the academic year. The remainder of the credit or clock hours in the program shall be divided equally into two (2) payment periods. If the division of the remainder of credit or clock hours in the program is unequal, the first of the two (2) payment periods shall be the larger;

2. For credit programs greater than an academic year, where the remainder of the final year of the program is less than one-half (1/2) of an academic year, each full academic year shall consist of two (2) payment periods, each equaling one-half (1/2) of the credit or clock hours in the academic year. The remainder of the credit or clock hours in the program shall be included in a single, final payment period;

3. For non-credit programs one (1) academic year in length, there shall be two (2) payment periods, each equaling one-half (1/2) of the credit or clock hours in the program. If the division of the credit or clock hours in the program is unequal, the first of the two (2) payment periods shall be larger;

4. For non-credit programs that are four hundred and fifty (450) clock hours or twelve (12) credit hours in length and less than one (1) academic year in length, there shall be two (2) payment periods, each equaling one-half (1/2) of the credit or clock hours in the program. If the division of the credit or clock hours in the program is unequal, the first of the two (2) payment periods shall be larger;

5. For non-credit programs less than four hundred fifty (450) clock hours or twelve (12) credit hours in length, there shall be a single payment period equaling all of the credit or clock hours in the program; and

6. For apprenticeship programs, awards for related educational costs will be provided based on documentation from the apprenticeship provider.

(X) Private two- (2-) year institution shall mean any non-public institution offering no program above the associate degree level.

(Y) Provider shall mean an approved institution or eligible training provider.

(Z) Qualifying employment shall mean full-time employment of a Missouri resident at a workplace located within the state of Missouri, or self-employment while a Missouri resident with at least fifty (50) percent of an individual's annual income coming from self-employment, either of which result in required returns of income in accordance with section 143.481, RSMo.

(AA) Recipient shall mean an eligible initial or renewal student or an eligible initial or renewal apprentice who received a Fast Track grant.

(BB) Related educational costs shall mean direct costs incurred by an individual as part of an eligible apprenticeship program, including but not limited to tools, books, and uniforms.

(CC) Renewal recipient shall mean a student who is an eligible student or eligible apprentice as defined in section 173.2553.2(3), RSMo, and received a Fast Track award in a prior award year.

(DD) Residency, for the purpose of this rule, shall be determined by reference to the standards set forth in 6 CSR 10-3.010, Determination of Student Residency.

(EE) Satisfactory academic progress shall be a cumulative grade-point average (CGPA) of at least two and one-half (2.5) on a four-point (4.0) scale, or the equivalent on another scale, and, with the exception of grade-point average, as otherwise determined by the approved institution's policies as applied to other students at the approved institution receiving assistance under Title IV financial aid programs included in the Higher

Education Act of 1965. The calculation of CGPA shall be based on the approved institution's policies as applied to other students in similar circumstances. Students enrolled in programs that use a pass/fail grading system are not subject to the CGPA requirement but must still meet the institution's academic progress policy cited above. For programs for which a CGPA is not calculated or progress monitored, institutional policies relating to performance and/or completion shall be considered to meet this definition.

(FF) Training hour shall mean an amount of student or apprentice on-the-job training or other training that does not meet the definition of a credit hour, clock hour, or instructional hour.

(GG) Tuition and fees shall mean any charges to students classified as tuition, any institutional fees charged to all students, and program-specific fees charged to all students in that program, excluding any course-specific fees.

(2) Responsibilities of Providers.

(A) Before requesting disbursement for an initial or renewal recipient, verify –

1. The recipient has met the eligibility requirements listed in section (3) of this rule; and

2. Governmental sources of funding are applied correctly to tuition and fees as specified in subsection (5)(F) of this rule.

(B) Before requesting disbursement for a renewal student, approved institutions and eligible training providers must verify the student meets the definition of satisfactory academic progress.

(C) Verify each applicant's eligibility by transmitting the applicant's payment request to the department by 5 p.m. of the final business day of the second week of June. The verification must occur not more than ten (10) business days before the provider transmits the applicant's payment request to the department. Funds must be delivered not more than ten (10) business days after this verification or eligibility must be re-confirmed by the provider before delivery.

(D) Before the provider delivers the Fast Track grant funds to an applicant, the provider must require the applicant to provide affirmative proof that the applicant is a United States (U.S.) citizen or permanent resident of the U.S. in accordance with sections 173.2553.2(3)(a) and 173.2553.2(6)(b), RSMo. Applicants who are U.S. citizens or permanent residents of the U.S. need only provide this proof before the first time they receive an award and shall not be required to provide it before they receive subsequent awards. Applicants who are not U.S. citizens or permanent residents of the U.S. must present affirmative proof annually.

(E) When the provider receives the funds for the Fast Track awards made by the CBHE, the provider must –

1. Deliver the Fast Track grant funds to the award recipient in the amount determined by the CBHE using the provider's standard award delivery procedures. The recipient's award is sent to the provider to deliver to the recipient's account. The provider shall retain the portion of the Fast Track award that the recipient owes to that provider for expenses, and promptly give the recipient any remaining funds;

2. Return the recipient's award to the CBHE within thirty (30) days of learning the recipient is no longer eligible to receive an award, if this is determined prior to the delivery of funds to the recipient; and

3. Be responsible for the repayment of any funds sent to it by the CBHE within thirty (30) days of learning any of the following:

A. The provider delivered funds to an ineligible applicant if the award was based on erroneous, improper, or mis-

leading information provided by the provider to the CBHE; or

B. The provider delivered the funds to a person other than the one to whom the CBHE has directed the funds be delivered; or

C. The award amount for the recipient exceeded the maximum amount for which the recipient was eligible.

(F) The CBHE may refuse to make Fast Track awards to applicants receiving training from providers that fail to make timely refunds to the CBHE as provided in this section.

(G) Approved institutions must comply with 6 CSR 10-2.140 Institutional Eligibility for Student Participation.

(3) Eligibility Policy.

(A) To qualify for a Fast Track award, an initial recipient, at the time of application and throughout the period during which the recipient receives the award, must meet the requirements set forth in sections 173.2553.2(3) and (6), RSMo.

(B) To qualify for a Fast Track award, a renewal student must –

1. Continue to meet the initial eligibility requirements; and

2. Meet the Satisfactory Academic Progress Policy as defined in this rule, except that, at the discretion of the participating institution, the CGPA requirement of the Satisfactory Academic Progress Policy may be waived for one (1) term.

(C) To qualify for a Fast Track award, a renewal apprentice must –

1. Continue to meet the initial eligibility requirements; and

2. Maintain active apprenticeship status.

(4) Application and Evaluation Policy.

(A) Students and apprentices shall apply annually for financial assistance under the Fast Track Workforce Incentive Grant program by completing and submitting the Fast Track application and all required documentation, including but not limited to income documentation.

(B) The department may require the student and the student's spouse to execute forms of consent authorizing the director of revenue to compare financial information submitted by the applicant with the Missouri individual income tax returns of the applicant and the applicant's spouse for the taxable year immediately preceding the year for which application is made, and to report any discrepancies to the department.

(5) Award Policy.

(A) Fast Track awards for eligible students shall be made by payment period. With the exception of the first payment period of an award year, the current payment period must be completed before funds can be requested for the next payment period.

(B) Fast Track awards for eligible apprentices shall be made in one (1) or more lump sum requests for costs incurred in each award year.

1. Subject to department approval, subsequent requests in an award year may, in special circumstances, include costs previously covered, such as replacements for stolen or damaged items.

2. The apprenticeship provider must submit documentation supporting the reason for and amount of the subsequent request.

(C) To receive an award, an initial or renewal recipient must submit all required documentation to the department.

(D) Eligibility for the Fast Track Workforce Incentive Grant expires at the earliest of the following, except a student or apprentice who is eligible at the beginning of a payment period may receive the Fast Track award for the full payment period

in which the expiration criterion is met:

1. Receipt of the grant for four (4) full-time semesters. For purposes of Fast Track eligibility, four (4) semesters means sixty (60) semester credit hours, ninety (90) quarter credit hours, or one thousand eight hundred (1,800) clock hours for an eligible student, or up to forty-eight (48) months for an eligible apprentice. An eligible student's remaining eligibility will be calculated as a percent by dividing the number of hours for which a recipient receives a Fast Track payment by the respective maximum number of hours in that measurement system. Once that calculation results in a percentage of one hundred (100) or more, the individual's eligibility has expired;

2. Receipt of a bachelor's degree; or

3. For an eligible student, reaching two hundred percent (200%) of the academic time, measured in the time typically required to complete the program of study in which the student is currently enrolled as included in an official publication of the institution.

(E) For eligible students, for each payment period, the amount of the Fast Track award must be calculated based on the remaining costs of actual tuition and fees after any other governmental sources of funding are applied. When the calculation results in a zero (0) award the amount of the award shall be the lesser of the remaining cost of attendance as calculated by the institution after all non-loan student aid has been applied or five hundred dollars (\$500). The five hundred dollar (\$500) award, when applicable, will be made regardless of whether the student is enrolled full- or part-time.

(F) For eligible apprentices, the award is equal to the related educational costs incurred in the award year for which the apprentice applied after all other governmental sources of funding are applied and may include costs for testing incurred between the beginning and ending dates of an eligible apprenticeship, regardless of when the testing occurs.

(G) Apprenticeship providers must maintain documentation supporting the amount of each related educational charge and provide that documentation to the department upon request.

(H) Fast Track awards shall not include costs for continuing education units.

(I) For eligible apprentices, awards for the award year in which the apprenticeship ends may be requested within thirty (30) days of the apprenticeship end date if the request is to be made no later than two (2) weeks before the June 30 end of the state fiscal year.

(J) The timing of application and payments that cross over award years shall be dependent on the beginning and ending dates of the payment period or apprenticeship.

1. For payment periods or apprenticeships that begin on or after June 15 of one award year and end on or after July 1 of the following award year, the eligible student or eligible apprentice must apply for, and the provider must request the funds, in that upcoming award year.

2. For payment periods or apprenticeships that begin before June 15 of one award year and end on or after July 1 of the following award year, the eligible student or eligible apprentice may apply for, and the provider must request the funds, in either the current or upcoming award year, provided that an application and request made in the current award year occurs no less than two (2) weeks before June 30.

3. For payment periods or apprenticeships that begin after July 1 and end on or before June 30, the eligible student or eligible apprentice must apply for, and the provider must request funds in, that award year, provided that the request occurs no less than two (2) weeks before June 30.

(K) If insufficient funds are available to pay all eligible applicants, renewal applicants shall be given priority until all funds

are expended. If funds are insufficient to pay all renewal applicants or to pay all initial applicants after all renewal applicants are paid, individuals with the earliest Fast Track application submission date shall be given priority.

(L) Financial aid must be applied to tuition and general fees for eligible students or related educational costs for eligible apprentices in the following order:

1. All other available governmental sources of funding; and
2. The Fast Track award.

(M) To be eligible for a Fast Track award, the student or apprentice must apply for and accept all governmental sources of funding for which he or she is eligible at the institution in which he or she is enrolled or at the eligible training provider from which he or she is receiving training.

(N) Recipients shall remain eligible for an award when pursuing a subsequent credential or eligible apprenticeship. Recipients shall only receive an award for one (1) Fast Track eligible program or eligible apprenticeship at a time.

(O) A student who is denied a Fast Track award for lack of satisfactory academic progress may not receive another Fast Track award until the enrollment period after the applicable standard has once again been met.

(P) No Fast Track award will be made retroactive to a previous award year. A Fast Track award will be made retroactive to a previous payment period within the current award year only upon the sole discretion of the department.

(Q) A Fast Track award will be made only after certification of the student's eligibility and award components by an approved institution or eligible training provider.

(R) Failure of an eligible student or eligible apprentice to provide required information by an established deadline may result in loss of the Fast Track Workforce Incentive Grant for the period covered by the deadline.

(S) Renewal recipients enrolled or participating in programs that have not been renewed as eligible programs by the board shall continue to be eligible for the Fast Track Workforce Incentive Grant until they have completed the program or apprenticeship.

(T) An eligible student may transfer the Fast Track Workforce Incentive Grant from one (1) participating institution or eligible training provider to another, and an eligible apprentice may transfer the Fast Track Workforce Incentive Grant from one (1) eligible training provider to another, without losing eligibility for assistance, but the department shall make any necessary adjustments in the amount of the award.

(6) Information Sharing Policy.

(A) All information on an individual's Fast Track application will be shared with the financial aid office of the institution to which the individual has applied or is attending, to permit verification of data submitted. Information may be shared with federal financial aid offices if necessary to verify data furnished by the state or federal governments as provided for in the Privacy Act of 1974, 5 U.S.C. sections 552 and 552a.

AUTHORITY: sections 173.2553, RSMo Supp. 2022. Original rule filed Dec. 23, 2019, effective June 30, 2020. Rescinded and readopted: Filed Feb. 9, 2023.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Higher Education and Workforce Development, 301 W. High Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES Division 70 – MO HealthNet Division Chapter 3 – Conditions of Provider Participation, Reimbursement, and Procedure of General Applicability

PROPOSED AMENDMENT

13 CSR 70-3.200 Ambulance Service Reimbursement Allowance. MO HealthNet Division is amending sections (1) and (2) of this rule.

PURPOSE: This amendment changes the tax base from gross receipts to emergency transport mileage.

(1) Ambulance ~~[S]~~service ~~[R]~~reimbursement ~~[A]~~allowance shall be assessed as described in this section.

(A) Definitions.

1. Ambulance. Ambulance shall have the same meaning as such term is defined in section 190.100, RSMo.

2. Department. Department of Social Services.

3. Director. Director of the Department of Social Services.

4. Division. MO HealthNet Division.

5. ~~[Gross receipts]~~ **Emergency Transport Mileage.** Emergency ambulance ~~[revenue]~~ **mileage** from Medicare, Medicaid, insurance, and private payments received by an ambulance service licensed under section 190.109, RSMo (or by its predecessor in interest following a change of ownership). ~~[Revenue]~~ **Mileage** from CPT Code A0427/A0425 ambulance service, advanced life support, emergency transport, level 1 (ALS1–emergency)~~], and associated ground mileage~~; CPT Code A0429/A0425 ambulance services, basic life support, emergency transport (BLS–emergency)~~], and associated ground mileage~~; and CPT Code A0433/A0425 advanced life support, level 2 (ALS2)~~], and associated ground mileage~~.

6. Engaging in the business of providing ambulance services. Accepting payment for ambulance services as such term is defined in section 190.100, RSMo.

(B) Beginning October 1, 2013, each ground emergency ambulance services provider in this state, except for any ambulance service owned and operated by an entity owned and operated by the state of Missouri, including but not limited to any hospital owned or operated by the board of curators, as defined in Chapter 172, RSMo, or any department of the state, shall, in addition to all other fees and taxes now required or paid, pay an ambulance service reimbursement allowance for the privilege of engaging in the business of providing ambulance services as defined in section 190.100, RSMo. ~~[Gross receipts]~~ **Emergency transport mileage** shall be obtained by the division from ~~[a survey conducted]~~ **the providers** six (6) months after calendar year end (i.e., calendar year ~~[2012 gross receipts]~~ **2021 mileage** will be obtained through ~~[survey]~~ **an affidavit** sent out by the state in ~~[2013]~~ **2022**). Collection of the ambulance service reimbursement allowance beginning October 1, ~~[2013]~~ **2022**, and thereafter each October 1, shall be based on ~~[gross receipts collected in]~~ **emergency transport mileage from** the prior calendar year. (i.e., October 1, ~~[2013]~~ **2022** shall be based on ~~[gross receipts collected in]~~ **emergency transport mileage from** calendar

year [2012] 2021).

1. The ambulance service reimbursement allowance owed for currently licensed emergency ambulance providers as defined in section 190.100, RSMo, shall be calculated by multiplying the ambulance service reimbursement allowance tax rate by the [gross receipts] emergency transport mileage, as defined above in paragraph (1)(A)5.

A. Exceptions.

(I) For emergency ambulance providers without reported [survey] data, [the gross receipts] emergency transport mileage used to determine the ambulance service reimbursement allowance shall be estimated as follows:

(a) Emergency ambulance providers shall be divided into quartiles based on total emergency ambulance transports;

(b) [Gross receipts] Emergency transport mileage shall be individually summed and divided by the total emergency ambulance transports in the quartile to yield an average [gross receipt] per emergency ambulance transport; and

(c) The number of emergency ambulance transports as reported to the Department of Health and Senior Services (Bureau of Emergency Medical Services (BEMS) data) as required by 19 CSR 30-40.375(3) for the emergency ambulance provider without reported [survey] data shall be multiplied by the average [gross receipts per emergency ambulance transport] emergency transport mileage.

2. Each ambulance provider shall submit an affidavit to the department with the following information:

A. Provider name;

B. Contact;

C. Telephone number;

D. Address;

E. Federal tax ID number;

F. MO HealthNet provider number;

G. Emergency transport mileage; and

H. Gross receipts attributable to emergency ambulance revenue from Medicare, Medicaid, insurance, and private payments received by the ambulance service.

(C) The Department of Social Services shall provide each emergency ambulance provider with a final determination letter. The letter shall include emergency ambulance provider name, National Provider Identifier (NPI) number, total emergency [ambulance gross receipts] transport mileage, ambulance service reimbursement allowance tax rate, and annual tax amount.

1. Each emergency ambulance provider required to pay the ambulance service reimbursement allowance shall review the information in the letter and, if necessary, provide the department with correct information. If the information supplied by the department is incorrect, the emergency ambulance provider, within fifteen (15) calendar days of receiving the confirmation schedule, must notify the division and explain the corrections. If the division does not receive corrected information within fifteen (15) calendar days, it will be assumed to be correct, unless the emergency ambulance provider files a protest in accordance with subsection (1)(E) of this regulation.

(2) Ambulance [S]service [R]reimbursement [A]allowance [R]rate beginning October 1, [2013] 2022. The ambulance service reimbursement allowance rate beginning October 1, [2013] 2022 determined by the division, as set forth in subsection (1) (B) above, is as follows:

(A) [The ambulance service reimbursement allowance rate shall be three and seventy-four hundredths percent (3.74%) of gross receipts as determined in paragraph (1)(A)5. above with

an aggregate annual adjustment, by the MO HealthNet Division, not to exceed one percent (1.0%) based on the ambulance services total gross receipts] Beginning October 1, 2022, the tax rate will be one dollar and fifty-eight cents (\$1.58) per mile. MO HealthNet Division will have the discretion to adjust the tax rate on a quarterly basis. No ambulance service reimbursement allowance shall be collected by the Department of Social Services if the federal Centers for Medicare and Medicaid Services (CMS) determines that such reimbursement allowance is not authorized under Title XIX of the Social Security Act[.]; and

(B) For each year (October thru September), the total tax amount collected shall not exceed six percent (6%) of emergency ambulance gross receipts in the aggregate as reported in subparagraph (1)(B)2.H.

AUTHORITY: sections 190.836 [and], 208.201, and 660.017, RSMo [Supp. 2013] 2016, and section 190.815, RSMo Supp. 2022. Original rule filed March 19, 2010, effective Nov. 30, 2010. Amended: Filed Oct. 10, 2013, effective April 30, 2014. An emergency amendment filed Feb. 3, 2023, effective Feb. 22, 2023, expires Aug. 20, 2023, Amended: Filed Feb. 2, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES Division 70 – MO HealthNet Division Chapter 91 – Personal Care Program

PROPOSED AMENDMENT

13 CSR 70-91.010 Personal Care Program. The MO HealthNet Division is amending sections (1) through (6).

PURPOSE: This amendment revises section (3) regarding the MHD criteria for providers of personal care services, section (5) regarding criteria for providers of advanced personal care services, and section (6) regarding requirements for separately authorized nurse visits. In addition, obsolete language and agency names were updated throughout the regulation, with changes to sections (1) through (6).

(1) Persons Eligible for Personal Care Services. Any person who is determined eligible by the Family Support Division for Title XIX benefits and is found to be in medical need of personal care services as an alternative to institutional care. Persons must be assessed, approved, and case-managed by the Department of Health and Senior Services or its designee as described in this rule[,] to be eligible for personal care services. Eligibility procedures for personal care services are as follows:

(A) Requirements for Personal Care Services.

1. The [recipient] participant must need an institutional level of care which is defined as twenty-four-(24)-[/-]hour insti-

tutional care on an inpatient or residential basis in a hospital or nursing facility (NF) and approved by the Department of Health and Senior Services or its designee.

2. Level of care will be determined by the Department of Health and Senior Services or its designee.

3. The **[recipient] participant** must agree to an in-home assessment performed by the Department of Health and Senior Services or its designee of his/her physical, social, and functional ability to benefit from personal care services;

(B) Obtaining Personal Care Services.

1. If the **[recipient] participant** meets all of the eligibility and assessment criteria, the Department of Health and Senior Services or its designee will develop an initial personal care plan to authorize personal care services on a scheduled basis to eligible **[recipients] participants** in their own homes, **[or] licensed Residential Care [Facility] Facilities (RCFs) I or II, or Assisted Living Facilities (ALFs)** as an alternative to twenty-four-(24)-[-]-hour institutional care on an inpatient or residential basis in a hospital or NF. The Department of Health and Senior Services or its designee will forward a copy of the personal care plan to the **[client's] participant's** attending physician and to the personal care provider who will be delivering care. Upon the receipt of the personal care plan, the provider of care must initiate care within **[seven (7)] ten (10) calendar** days of receipt and the physician must register any comments or requests for changes[,] within thirty (30) days of receipt or the personal care plan will stand as written by the Department of Health and Senior Services or its designee.

2. The personal care plan will be developed in collaboration with and signed by the **[recipient] participant**. The plan will include **[a list of] an identification of the services and tasks to be [performed, weekly schedule of service delivery]provided, frequency of services,** and the maximum number of units of service for which the **[recipient] participant** is eligible per month.

3. A new in-home assessment and personal care plan may be completed by the Department of Health and Senior Services or its designee as needed to redetermine need for personal care services or to adjust the monthly amount of authorized units. **[In collaboration with the service recipient, the service agency may develop a new or revised set of personal care tasks, and weekly schedule of service delivery which shall be forwarded to the Department of Health and Senior Services or its designee.]** The service provider must always have[, and provide services in accordance with, a current] **an active** service plan. Only the Department of Health and Senior Services or its designee, not the service provider, may increase the **overall** maximum number of units for which the individual is eligible per month. Any service plan developed in accordance with paragraphs (1)(B)2. and 3. is a state-approved service plan.

4. The **[recipient] participant** will be informed of the option of services available to him/her in accordance with the level-of-care determination and assessment findings; and

(C) Discontinuing Personal Care Services. The following policies and procedures for discontinuing personal care services shall be followed:

1. Services for a **[client] participant** shall be discontinued by a provider agency under the following circumstances:

A. When the **[client's] participant's** case is closed by the Department of Health and Senior Services or its designee;

B. When the provider learns of circumstances that require the closure of a case for reasons including[,] but not limited to[:] death[:] entry into a nursing home[:], or the **[client] participant** no longer needs services. In these circumstances,

the provider shall notify the Department of Health and Senior Services or its designee in writing and request that the **[client's] participant's** services be discontinued;

C. When the **[client] participant** is noncompliant with the agreed-upon plan of care. Noncompliance requires persistent actions by the **[client] participant** or family which negate the services provided by the agency. After all alternatives have been explored and exhausted, the provider shall notify the Department of Health and Senior Services or its designee in writing of the noncompliant acts and request that the **[client's] participant's** services be discontinued;

D. When the **[client] participant** or **[client's] participant's** family threatens or abuses the personal care aide or other agency staff to the point where the staff's welfare is in jeopardy and corrective action has failed. The provider shall notify the Department of Health and Senior Services or its designee of the threatening or abusive acts and may request that the service authorization be discontinued;

E. When a provider is unable to continue to meet the maintenance needs of a **[client] participant**. In these circumstances, the provider shall notify the Department of Health and Senior Services or its designee in writing and request that the **[client's] participant's** services be discontinued; or

F. When a provider is unable to continue to meet the maintenance needs of a **[client] participant** whose plan of care requires advanced personal care services. In these circumstances the provider shall provide written notice of discharge to the **[client] participant** or **[client's] participant's** family and the Department of Health and Senior Services or its designee at least twenty-one (21) days prior to the date of discharge. During this twenty-one- (21)-[-]-day period, the Department of Health and Senior Services or its designee shall assist in making appropriate arrangements with the **[client] participant** for transfer to another agency, institutional placement, or other appropriate care. Regardless of circumstances, the personal care provider must continue to provide care in accordance with the plan of care for these twenty-one (21) days or until alternate arrangements can be made by the Department of Health and Senior Services or its designee, whichever comes first; and

2. Discontinuing services for a **[client] participant** still in need of assistance shall occur only after appropriate conferences with the Department of Health and Senior Services or its designee, **[client] participant**, and **[client's] participant's** family.

(2) Basic personal care services are medically-oriented, maintenance services to assist with the activities of daily living when this assistance does not require devices and procedures related to altered body functions.

(B) The following activities constitute basic personal care services and shall be provided according to the plan of care:

1. Assistance with dietary needs, including meal preparation and cleanup, and assistance with eating/feeding;

2. Assisting with dressing and grooming, including helping with dressing and undressing, combing hair, and nail care;

3. Assisting with bathing and personal hygiene, including assisting with bathing, shampooing hair, oral hygiene and denture care, and shaving;

4. Assisting with toileting and continence, including assisting in going to the bathroom, and changing bed linen. This category may also include the changing of beds for persons with medically related limitations that prohibit the completion of this task;

5. Assisting with mobility and transfer, including assisting with transfer and ambulation when **[recipient] participants**

can at least partially bear own weight;

6. Assisting with medication, including assisting with the self-administration of medicine, applying nonprescription topical ointments or lotions; and

7. Medically related household tasks, including approved homemaker and chore tasks.

(C) The encouragement and instruction of *[recipients]* **participants** in self-care may be a component of any other task as described above; however, encouragement and instruction do not constitute a task in and of themselves.

(3) Criteria for Providers of Personal Care Services.

(A) The provider of personal care services must have a valid participation agreement with the *[state Medicaid agency]* **Department of Social Services, Missouri Medicaid Audit and Compliance Unit**. The issuance of the participation agreement is dependent upon *[the Department of Social Services]* acceptance of an application for enrollment by the **Missouri Medicaid Audit and Compliance Unit**. The provider must submit to the *[Department of Health and Senior Services, Division of Senior Services and Regulation]* **Missouri Medicaid Audit and Compliance Unit** the written proposal required to become a Title XX in-home services provider and be approved to provide Title XX in-home services. Once approved to provide Title XX in-home services by the *[Division of Senior Services and Regulation]* **Missouri Medicaid Audit and Compliance Unit**, the provider will be allowed to execute a Title XIX participation agreement with the *[Division of Medical Services]* **Missouri Medicaid Audit and Compliance Unit**. Thereafter, a provider is not required to actually accept or deliver services to *[clients]* **participants** who are authorized for both programs or to *[clients]* **participants** who are authorized for Title XX services only. For residential care facilities that wish to provide services only to the eligible residents of their own facility, only the verification of a state residential care facility license **authorized by the Department of Health and Senior Services, Division of Regulation and Licensure**, will be required for the Medicaid enrollment application. Providers must maintain their approval to participate as a Title XX provider, whether or not they actually serve Title XX eligible *[clients]* **participants**, in order to remain qualified to participate in the Title XIX (Medicaid) Personal Care Program.

(B) The providers must agree to comply with any evaluation conducted by the *[Departments of Social Services and Health and Senior Services]* **Missouri Medicaid Audit and Compliance Unit**. The *[Division of Senior Services and Regulation]* **Missouri Medicaid Audit and Compliance Unit** may, in accordance with the protective service mandate (Chapter *[660]* 192, RSMo), take action to protect *[clients]* **participants** from providers who are found to be out of compliance with the requirements of its regulations and of any other regulations applicable to the Personal Care Program, when such noncompliance is determined by the *[Division of Senior Services and Regulation]* **Missouri Medicaid Audit and Compliance Unit** to create a risk of injury or harm to *[clients]* **participants**. Evidence of such risk may include¹ unreliable or inadequate provider documentation of services or training due to falsification or fraud², the provider's failure to deliver services in a reliable and dependable manner³, or use of personal care aides who do not meet the minimum training standards of this regulation. Immediate action by the *[Division of Senior Services and Regulation]* **Missouri Medicaid Audit and Compliance Unit** may include⁴ but is not limited to:

1. Removing the provider from any list of providers⁵ and, for *[clients]* **participants** who request the unsafe and noncompliant provider, informing the *[clients]* **participants**

of the determination of noncompliance after which any informed choice will be honored by the Department of Health and Senior Services or its designee; or

2. Informing current *[clients]* **participants** served by the provider of the provider's noncompliance and that the Division of Senior and Disability Services *[and Regulation]* has determined the provider unable to deliver safe care. Such *[clients]* **participants** will be allowed to choose a different provider from the list maintained by the Department of Health and Senior Services or its designee, which will then be immediately authorized to provide service to them.

(C) The provider agency must be available to provide care in accordance with the personal care plan, utilizing universal precaution procedures as defined by the Centers for Disease Control and Prevention.

(D) The provider agency must monitor the overall physical care needs of the *[service recipient]* **participant**. If the *[client's]* **participant's** condition warrants, contact the *[client's]* **participant's** physician and inform the Department of Health and Senior Services or its designee when additional case management activities by the Department of Health and Senior Services or its designee are required.

1. Prior to the delivery of service, the personal care aide shall receive a copy of the care plan for the participant and be provided with information about the participant in order to appropriately deliver services to meet the needs of the participant.

(E) For newly employed aides, the provider agency must, at a minimum, provide *[twenty (20)]* **twelve (12)** hours of orientation training, **within thirty (30) days of employment**.

1. In calculating these hours, the following requirements shall apply:

A. At least two (2) hours orientation to the provider agency and the agency's protocols for handling emergencies⁶, **within thirty (30) days of employment**;

B. With *[eight (8)]* **a minimum of six (6)** hours of *[classroom]* training being completed prior to *[client]* **participant** contact;

C. *[Twelve (12)]* **Four (4)** hours of **required** orientation may be waived with adequate documentation in the employee's records that the aide received similar training during the *[current or preceding state fiscal year or has been employed as an aide at an in-home or home health agency at least half-time for six (6) months or more within the current or preceding state fiscal year]* **previous twelve (12) months, with the exception of the statutorily required dementia training**;

D. If an aide is a certified nurse assistant (CNA), licensed practical nurse, or registered nurse, the provider agency may waive all **hours** of orientation training, **with the exception of the two (2) hours' provider agency orientation and the statutorily required dementia training**, with adequate documentation placed in the aide's personnel record. The documentation shall include the employee's license or certification number, **which must be current and in good standing** at the time the training was waived.

2. An additional *[ten (10)]* **five (5)** hours of in-service training annually are required after the first twelve (12) months of employment. *[At least six (6) of the required ten (10) hours shall be classroom instruction. The additional four (4) hours may be via any appropriate training method.]* The provider may waive the required annual *[ten (10)]* **five (5)** hours of in-service training and require only two (2) hours of refresher training annually⁷ when the aide has been employed for three (3) years and has completed *[thirty (30)]* **fifteen (15)** hours of in-service training. **In-service training curricula shall include updates on Alzheimer's disease and related dementia.**

3. Personal care aides employed by an RCF II or ALF are exempt from the training requirements defined in paragraphs (3)(E)1. and 2. of this rule if they have completed the training requirements described in subdivisions (9) and (10) of subsection 3 of section 198.073, RSMo [2000].

4. The provider agency shall have written documentation of all basic and in-service training provided which includes, at a minimum, a report of each employee's training in that employee's personnel record. The report shall document the dates of all classroom or on-the-job training, trainer's name, topics, number of hours and location, the date of the first *[client] participant* contact, and shall include the aide's signature. If a provider waives any in-service training, the employee's training record shall contain supportive data for the waiver.

(F) The requirements that have been adopted by the Division of Senior and Disability Services *[and Regulation]* at 19 CSR 15-7.021(18)(A) through *(IR)Q* and *(18)(U)T* through (W) shall apply to all providers of personal care services and advanced personal care services.

(G) The provider agency must employ an administrative supervisor of the day-to-day delivery of direct personal care services possessing at least the following qualifications:

1. Be at least twenty-one (21) years of age; and

2. Shall be a registered nurse (RN) who is currently licensed in Missouri; or have at least a baccalaureate degree; or be a licensed practical nurse (LPN) who is currently licensed in Missouri with at least one (1) year of experience with the *[direct] care of the elderly, [disabled] or individuals with disabilities or [infirm] medically complex conditions*; or have at least *[three (3)] two (2) years' experience with the care of the elderly, or [disabled] individuals with disabilities or [infirm] medically complex conditions*.

(H) The supervisor's responsibilities shall include, at a minimum, the following:

1. Establish, implement, and enforce a policy governing communicable diseases that prohibits provider staff contact with *[clients] participants* when the employee has a communicable condition, including colds or flu. Assure that reporting requirements governing communicable diseases, including hepatitis and tuberculosis, as set by the Missouri Department of Health and Senior Services (19 CSR 20-20.020), are carried out;

2. Monitor the provision of services by the personal care worker to assure that services are being delivered in accordance with the personal care plan. This shall be primarily in the form of an at least monthly review and comparison of the worker's records of provided services with the personal care plan. The monitoring reports shall be available for review by the Departments of Social Services and Health and Senior Services upon request. Documentation must be kept on *[clients with a delivery rate of less than eighty percent (80%) of the authorized units of in-home service. For each client with a delivery rate less than eighty percent (80%) of the number of units of in-home services authorized for the time period being reviewed, the number of units of service delivered and the reason(s) for nondelivered services will be sent to the Department of Health and Senior Services monthly. Discrepancies for these clients concerning the frequency of delivered services and/or the in-home service tasks delivered, and the corrective action taken, will be signed and dated by the supervisor and be readily available for monitoring or inspection] undelivered services, including the reason for this failure to deliver authorized units*;

3. Make an on-site visit at least annually to evaluate each personal care worker's performance and the adequacy of the service plan, including review of the plan of care with the

[recipient] participant. The personal care worker *[must] may or may not* be present for this evaluation. A written record of the evaluation shall be maintained in the personnel file of the personal care worker. This record must contain, at a minimum, the *[service recipient's] participant's* name and address¹; the date and time of the visit, personal care worker's name *[and]*, observations *[of both] related to the participant's receipt of care plan delivery, the participant's satisfaction of the personal care worker's performance, and the adequacy of the service plan*. In addition, the evaluation shall be signed and dated by the supervisor who prepared it and by the personal care worker. If the required evaluation is not performed or not documented, the personal care worker's qualifications to provide the services may be presumed inadequate and all payments made for services by that personal care worker may be recouped². *Unless, medically, the recipient's condition supports a visit or all recipients have been visited, a service recipient shall not receive more than one (1) combined on-site supervisory visit and RN on-site visit as specified in paragraph (3)(J)1. per state fiscal year*;

4. Approve, in advance, all changes to the plan of care based on supervisory on-site visits, information from the personal care worker, or observation by the RN, or a combination of these. Approval of changes shall be noted and dated in the *[service recipient's] participant's* file;

5. Make appropriate recommendations to the Department of Health and Senior Services or its designee including proposed increase, reduction, or termination of services; or need for increased Department of Health and Senior Services *[case management]* involvement based on supervisory on-site visits, review of reports, information from the personal care worker, observation by the RN; or a combination of these;

6. Be available for regular case conferences with the Department of Health and Senior Services or its designee; and

7. Assist in orientation and personal care training for personal care workers.

(I) If the supervisor is not an RN, the provider agency must have a designated RN currently licensed in Missouri either on staff or employed as a consultant.

(J) The RN's responsibilities shall include³, *at a minimum, the following*: to

[1. Monthly on-site visits of basic personal care recipients based on a ten percent (10%) sample of the provider agencies' combined Title XIX and Title XX caseload size as of the beginning of each month. This ten percent (10%) sample is to exclude personal care and advanced personal care recipients receiving authorized nurse visits and on-site supervisory visits, as specified in paragraph (3)(H)3., unless all clients have already been seen or the recipient condition supports a visit. A maximum of thirty (30) visits will be required for those agencies that service over three hundred (300) recipients on a monthly basis with a minimum of two (2) visits monthly for agencies servicing fewer than twenty (20) clients monthly. The home visit shall consist of an evaluation of the adequacy of the plan of care in meeting the needs and condition of the recipient, and shall include a review of the plan of care with the recipient, and assessment of the personal care worker relative to his/her ability to carry out the plan of care. The RN must maintain an on-site visiting log. The log must contain, at a minimum, the service recipient's name, address, the date of the visit, the personal care worker's name and observations of both the personal care worker's performance and the adequacy of the service plan. Unless supported by the recipient's medical condition or all recipients have been visited, a service recipient shall not receive more than one (1) combined RN on-site visit and supervisory on-site visit as specified in paragraph (3)(H)3. per state fiscal year]

[2. *Initial and*] review **and initial** all on-site visit reports made by the *[personal care]* **administrative** supervisor[; *and*].

[3.] If supervised by an RN, an LPN **or Graduate Nurse (GN)** may perform *[the]* **this** RN supervisory *[activities described in this section]* **responsibility**.

(K) An in-home personal care worker[*(s)*] shall meet the following requirements:

1. Be at least eighteen (18) years of age;
2. Be able to read, write, and follow directions; **and**

[3. *Have at least six (6) months' paid work experience as an agency homemaker, nurse aide or household worker, or at least one (1) year of experience, paid or unpaid, in caring for children, sick or aged individuals, or have successfully completed formal training, such as the basic nursing arts course of nurse's training, nursing assistant training or home health-aide training; and*]

[4.]3. May not be a family member of the *[recipient]* **participant** for whom personal care is to be provided. A family member is defined as a **spouse**; parent; sibling; child by blood, adoption, or marriage [; *spouse*] (**step-child**); grandparent; or grandchild.

(4) Reimbursement.

(A) Payment will be made in accordance with the fee per unit of service as defined and determined by the **MO HealthNet Division** *[of Medical Services]*.

1. A unit of service is fifteen (15) minutes.
2. Documentation for services delivered by the provider must include the following:

A. The *[recipient's]* **participant's** name and Medicaid number;

B. The date of service;

C. The time spent providing the service which must be documented in one (1) of the following manners:

(I) When a personal care aide is providing services to one (1) individual in a private home setting and devotes undivided attention to the care required by that individual, the actual clock time the aide began the services for that visit shall be documented as the start time, and the actual clock time the aide finished the care for the visit shall be documented as the stop time **per Electronic visit Verification (EVV) regulation 13 CSR 70-3.320**; and

(II) When the personal care services are provided in a congregate living setting, such as *[a Residential Care Facility] RCFs I and II or ALFs*, when on-site supervision is available and personal care aide staff will divide their time among a number of individuals, the following must be documented: all tasks performed for each *[recipient]* **participant** by date of service[*s*] and by staff shifts during each twenty-four- (24-)[*-*]hour period;

D. A description of the service; **and**

E. The name of the personal care aide who provided the service[; *and*].

[F. *For each date of service: the signature of the recipient, or the mark of the recipient witnessed by at least one (1) person, or the signature of another responsible person present in the recipient's home or licensed Residential Care Facility I or II at the time of service. "Responsible person" may include the personal care aide's supervisor, if the supervisor is present in the home at the time of service delivery. The personal care aide may only sign on behalf of the recipient when the recipient is unable to sign and there is no other responsible person present.*]

3. A provider may not bill time spent in the delivery of service of less than one (1) unit of service for any *[recipient]* **participant**. However, time spent in the delivery of service of less than one (1) full unit for any *[recipient]* **participant** may be accrued by the provider to establish a unit of service. In no event may time spent in the delivery of service be accrued be-

yond the last day of the calendar month in which such services were rendered.

4. The fee per unit of service will be based on the determination by the state agency of the reasonable cost of providing the covered services on a statewide basis and within the mandatory maximum payment limitations.

(B) Conditions for Reimbursement.

1. The personal care plan will be the authorization for payment of service.

2. The total monthly payment for basic personal care services made *[in]* **on** behalf of an individual who requires basic personal care only cannot exceed sixty percent (60%) of the average statewide monthly cost for care in a nursing facility as defined in 13 CSR 70-10.010(4)(Q) (excluding intermediate care facilities for *[the mentally retarded]* **individuals with intellectual disabilities** (ICFs/[*MR/ID*])).

3. The average monthly cost to the state for care in **an** NF as defined in 13 CSR 70-10.010(4)(Q) (excluding ICFs/[*MR/ID*])) will be established in the month of May of each state fiscal year which will become effective on July 1 of the following state fiscal year.

4. Payment will be made on the lower of the established rate per service unit or the provider's billed charges.

5. Rates will be established for personal care services in private homes, *[and in]* licensed *[Residential Care Facilities] RCFs I and II, and ALFs*.

(5) Advanced personal care services are maintenance services provided to a *[recipient]* **participant** in the *[individual's]* **participant's** home to assist with activities of daily living when this assistance requires devices and procedures related to altered body functions.

(A) Persons Eligible for Advanced Personal Care Services. Any person who is determined eligible for Title XIX benefits from the Family Support Division, found to be in need of personal care services as an alternative to institutional care as specified in section (1) of this rule, and who requires devices and procedures related to altered body functions is eligible for advanced personal care services.

(B) The following activities constitute advanced personal care services and shall be provided according to the plan of care:

1. Routine personal care of persons with ostomies (including tracheostomies, gastrostomies, colostomies all with well-healed stoma), which includes changing bags[,] and soap and water hygiene around ostomy site;

2. Personal care of persons with external, indwelling, and suprapubic catheters, which include changing bags[,] and soap and water hygiene around site;

3. Removal of external catheters, inspect skin and reapply catheter;

4. Administration of prescribed bowel programs, including use of suppositories and sphincter stimulation per protocol and enemas (prepacked only) *[with clients]* without contraindicating rectal or intestinal conditions;

5. Application of medicated (prescription) lotions, ointments or dry, aseptic dressings to unbroken skin including stage I *decubitus*;

6. Application of aseptic dressings to superficial skin breaks or abrasions as directed by a licensed nurse;

7. Manual assistance with noninjectable medications as set up by a licensed nurse;

8. Passive range of motion (nonresistive flexion of joint within normal range) delivered in accordance with the care plan; and

9. Use of assistive device for transfers.

(C) Instruction and encouragement to the *[client]* participant in ways to become more self-sufficient in advanced personal care may be a component of all tasks as described above; however, instruction and encouragement in and of themselves do not constitute a task.

(D) Advanced Personal Care Plans. Plans of care which include advanced personal care services must be developed by the provider agency RN in collaboration with state agency staff or its designee.

(E) Criteria for Providers of Advanced Personal Care Services. Providers of advanced personal care must meet all criteria for providers of personal care services described in section (3) of this rule. Providers must sign an addendum to their Title XIX Personal Care Provider Agreement[,] and must possess a valid contract with the *[Department of Health and Senior Services, Division of Senior Services and Regulation]* Missouri Medicaid Audit and Compliance Unit to provide Title XX services including advanced personal care services. Residential care facilities wishing to provide advanced personal care services to the eligible residents of their own facility only may do so with *[only]* a signed addendum to their Title XIX Personal Care Provider Agreement.

1. All advanced personal care aides employed by the provider must be an LPN[,] or a certified nurse assistant; or a competency-evaluated home health aide having completed both written and demonstration portions of the test required by the Missouri Department of Health and Senior Services and 42 CFR 484.[36]80; or have successfully *[worked for the provider for a minimum of three (3) consecutive months while working at least fifteen (15) hours per week as an in-home aide that has received]* completed personal care aide training. In addition, advanced personal care aides may not be related to the *[recipient]* participant to whom they provide personal care, as defined in paragraph (3)(K)[4.]3. of this rule.

2. Personal care providers are required to provide training to advanced personal care aides, in addition to the *[pre-service training requirements]* orientation training described in section (3) of this rule. The additional training shall consist of *[eight (8) classroom]* a minimum of six (6) hours and must be completed prior to the provision of any advanced personal care tasks. Providers may waive this *[eight (8)]* six (6) hours of training if one (1) of the following are met:

A. The proposed advanced personal care (APC) aide is an LPN or *[certified nurse assistant (CNA)]* currently licensed or registered in the state of Missouri; or

B. The proposed advanced personal care aide has previously completed advanced personal care training from a Medicaid or Social Services Block Grant (SSBG) in-home provider agency, and that same personal care aide has been employed *[at least half-time]* by a Medicaid or SSBG in-home provider agency as an advanced personal care aide within the prior six (6) months.

3. Advanced personal care aides employed by an RCF II are exempt from the training requirements defined in paragraphs (5)(E)1. and 2. of this rule if they have completed the training requirements described in subdivisions (9) and (10) of subsection 3 of section 198.073, RSMo [2000], as amended.

4. The additional advanced personal care training must include, at a minimum, the following topics:

A. Observation of the *[client]* participant and reporting observation;

B. Application of ointments/lotions to unbroken skin;

C. Manual assistance with oral medications;

D. Prevention of *decubiti*;

E. Bowel routines (rectal suppositories, sphincter stimulation);

F. Enemas;

G. Personal care for persons with ostomies and catheters;

H. Proper cleaning of catheter bags;

I. Positioning and support of the *[client]* participant;

J. Range of motion exercises;

K. Application of nonsterile dressings to superficial skin breaks; and

L. Universal precaution procedures as defined by the Centers for Disease Control and Prevention.

5. Advanced personal care tasks as specified at (5)(B)1. through 9. shall not be assigned to or performed by any advanced personal care aide who is not a licensed nurse until the aide has been fully trained to perform the task, the RN *[supervisor]*, LPN or GN has personally observed successful execution of the task and the RN *[supervisor]*, LPN, or GN has personally certified this in the aide's personnel record. **An LPN or GN observing the execution of a task must be trained in the APC tasks and observed by the RN supervisor for successful completion of each task, and the RN supervisor must personally certify this in the LPN's or GN's personnel record.** Only RN visits necessary for task observation and certification in the home may be prior authorized and billed to *[Medicaid]* MO HealthNet Division as an authorized nurse visit, as described in section (6) of this rule. RN task observation and certification in a laboratory, or other non-home setting, may not be billed.

6. The RN *[supervisor]*, LPN, or GN may observe the execution of any of the tasks in a *[recipient's]* participant's home or lab setting. However, *[tasks specified in paragraphs (5)(B)1., 2., 3., 4., and 9. must be observed in the home, while those specified in paragraphs (5)(B)5., 6., 7., and 8. may be observed in either a home or lab setting]* it is the responsibility of the provider to ensure the aide is properly trained to execute tasks that may have variation from the lab setting to the participant's home setting.

7. For *[clients]* participants receiving advanced personal care services, it is required that on-site RN visits be conducted at intervals of no greater than six (6) months. During these visits, the RN must conduct and *[contemporaneously record and certify by his/her signature an individualized valuation of the client's condition and the adequacy of the service plan]* document an evaluation of the participant's condition, continued eligibility for the program, and the adequacy of the care plan. The RN must sign the evaluation and the provider shall maintain documentation of the evaluation in the participant's record. The evaluation must be produced upon request of the Division of Senior and Disability Services or the Missouri Medicaid Audit and Compliance Unit.

(F) Reimbursement.

1. Payment for advanced personal care services will be made in accordance with the fee per unit of service as defined and determined by the MO HealthNet Division *[of Medical Services]*. The fee per unit (fifteen (15) minutes) of service will be based on the determination of the state agency of the reasonable cost of providing the covered services on a statewide basis and within the mandatory maximum payment limitations.

2. Conditions for reimbursement.

A. An advanced personal care plan is required. It is to be developed by the Department of Health and Senior Services or its designee in cooperation with the provider agency's RN. The provider agency is responsible for obtaining the *[recipient's]* participant's physician's approval for the plan.

B. The total monthly payment for advanced personal

care services as described in this section and for personal care services as described in sections (1)–(7) of this rule made *[in]* on behalf of an individual cannot exceed one hundred percent (100%) of the average statewide monthly cost for care in an NF as defined in 13 CSR 70-10.010(4)(Q) (excluding ICFs/*[MR]* IID).

C. The average monthly cost to the state for care in an NF, as defined in 13 CSR 70-10.010(4)(Q) (excluding ICF/*[MR]* IID), will be established in the month of May of each state fiscal year, which will become effective on July 1 of the following state fiscal year.

D. Payment will be made on the lower of the established rate per service unit or the provider's billed charges.

3. Rates will be established for personal care services in private homes, *[and in]* licensed *[Residential Care Facilities]* RCFs I and II, and ALFs.

(6) Separately Authorized Nurses Visits.

(A) The provisions of paragraph/s (3)(J)1.*and* (3)(H)3. notwithstanding, reimbursement will be made for visits by nurse to particular *[clients]* participants with special needs[,] when the visits are prior authorized by the Department of Health and Senior Services or its designee. Providers of personal care services must have the capacity to provide these authorized nurse visits in addition to the nonauthorized nurse visits required by subsection (3)(J); *however, any client who receives an authorized nurse visit in one (1) month shall not be included in the population from which the ten percent (10%) sample for that month's supervisory visits is drawn in accordance with paragraph (3)(J)1.* Anytime an authorized nurse visit is made, the nurse shall also, in addition to other duties, evaluate the adequacy of the plan of care, including a review of the plan of care with the *[recipient]* participant.

(B) To be eligible to receive the authorized nurse visit, the *[recipient]* participant must –

1. Be determined eligible for Title XIX benefits from the Family Support Division and found to be in need of personal care services as an alternative to institutional care as specified in section (1) of this rule;

2. Have no other person available who could and would provide the services;

3. Require one (1) or more of the services described in subsection (6)(D) as an alternative to institutionalized care; and

4. Meet any additional criteria of need set forth in subsection (6)(D).

(C) The services provided during the authorized nurse visit shall not include any service which the *[client]* participant would be eligible to receive under either the Medicare (Title XVIII) or Medicaid (Title XIX) Home Health programs. The services listed in subsection (6)(D) do not qualify, by themselves, for reimbursement under either program. However, should a *[client]* participant otherwise be eligible for home health services, then those services listed in paragraphs (6)(D)1.–4. will be provided by the home health agency and not under the Personal Care Program.

(D) The services of the nurse shall provide increased supervision of the aide, assessment of the *[client's]* participant's health, and the suitability of the care plan to meet the *[client's]* participant's needs. These services also shall include any referral or follow-up action indicated by the nurse's assessment. These services, in addition, must include one (1) or more of the following where appropriate to the needs of the *[client]* participant and authorized by the Department of Health and Senior Services or its designee:

1. The RN may fill *[a one (1)-week supply of]* insulin syringes in advance per manufacturer's instructions for *[diabetics]* participants with diabetes who can self-inject the

medication but cannot fill their own syringe. This service would include monitoring the *[patient's]* participant's continued ability to self-administer the insulin;

2. The RN may set up oral medications in divided daily compartments for a *[client]* participant who self-administers prescribed medications but needs assistance and monitoring due to a minimal level of disorientation or confusion;

3. The RN may monitor a *[recipient's]* participant's skin condition when a *[client]* participant is at risk of skin breakdown due to immobility, incontinency, or both;

4. The RN may provide nail care for a *[diabetic]* participant with diabetes or *[client with]* other medically contraindicating conditions[,] if the *[recipient]* participant is unable to perform this task;

5. The RN will be authorized to visit all personal care *[recipients]* participants who also receive advanced personal care as described in section (4) of this rule, on a monthly basis, to evaluate the adequacy of the authorized services to meet the needs and conditions of the *[client]* participant and to assess the advanced personal care aide's ability to carry out the authorized services;

6. The RN may provide on-the-job training to advanced personal care aides as described in paragraph [(3)](5)(E)6. of this rule;

7. The visits authorized under section (6) *[except (6)(D)6.]* may be carried out by an LPN or GN, if under the direction of an RN; or

8. The RN may be authorized to provide other services in other situations, subject to the conditions set forth in subsection (6)(C).

(E) Payment for the authorized nurse visit will be made in accordance with the fee per unit of service as defined and determined by the MO HealthNet Division *[of Medical Services]*.

1. A unit of service is the visit. No minimum or maximum time is required to constitute a visit.

2. The maximum number of units which a *[client]* participant can receive is twenty-six (26) within a six- (6-) [-]month period of time. The cost of the nurse visits are not included in the spending cap set forth in paragraph (4) (B)2. but must be included in the spending cap specified at subparagraph (5)(F)2.B.

(F) Documentation of the authorized nurse visit shall include written notes and observations. These will be maintained in the *[recipient's]* participant's file. In addition, notes of any verbal communication and copies of any written communications with the *[recipient's]* participant's physician or other health care professional concerning the care of that *[recipient]* participant also will be maintained in the *[recipient's]* participant's file.

AUTHORITY: sections 208.152, RSMo Supp. [2004] 2022, and 208.153 and 208.159, RSMo [2000] 2016. This rule was previously filed as 13 CSR 40-81.125. Original rule filed April 14, 1982, effective July 11, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 6, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemak-

ing, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

TITLE 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 15 – Division of Senior and Disability Services

Chapter 7 – Service Standards

PROPOSED AMENDMENT

19 CSR 15-7.005 Definitions. The department is deleting sections (1), (2), (15), (17), (23), (24), and (28) – (31); adding new sections (1), (9), and (21); amending sections (4) – (9), (11), (12), (14), (19), (21), (22), and (25) – (27); and renumbering accordingly.

PURPOSE: This amendment updates defined terms.

[(1) Access services—A category of services which facilitates access to and utilization of other services. Access services may include transportation, outreach, case management, and information and assistance.]

(1) Area Agency on Aging – The agency designated by the division in a planning and service area to develop and administer a plan and administer available funds for a comprehensive and coordinated system of services for older adults and adults with disabilities who require similar services.

[(2) Assisted transportation—A service which provides assistance, including escort, to a person who has difficulties (physical or cognitive) using regular vehicular transportation.]

[(3)](2) Case management – A service which ensures that individuals with chronic or acute care needs are assessed and provided with a comprehensive and coordinated service program designed to meet those assessed needs.

[(4)](3) Caterer – A restaurant, hospital, school, or commercial organization which prepares meals under contract *[(usually a fixed price per meal contract)]*.

[(5)](4) Center – Any facility regardless of terminology used, that is, senior center, congregate nutrition center, nutrition site, supportive services center, satellite center or site, or multipurpose senior center, that is utilized to provide one (1) or more services to older *[persons] adults*.

[(6)](5) Congregate nutrition services – The provision of nutrition services to older *[persons] adults* in *[an approved center]* a congregate or group setting.

[(7)](6) Contributions – Money or *[food stamps (for meals only) given voluntarily and confidentially toward the cost of a service received]* Supplemental Nutrition Assistance Program (SNAP) (for meals only) given voluntarily and confidentially toward the cost of a service received.

[(8)](7) Division – The Division of *[Aging of the Missouri Department of Social Services]* Senior and Disability Services of the Missouri Department of Health and Senior Services.

[(9)](8) *[Economic need, greatest]* Greatest economic need –

The need resulting from an income level at or below the poverty *[threshold established by the Office of Management and Budget]* line.

(9) Greatest social need – The need caused by non-economic factors, including disability; language barriers; and cultural, social, or geographic isolation, including isolation caused by racial or ethnic status, which restrict the ability of an individual to perform normal daily tasks and/or threatens the capacity of the individual to live independently.

(10) Follow-up – Recontacting the inquirer or agency/organization to whom the referral was made to assure if contact was made or if further services are required.

(11) Frail elderly – Older *[persons] adults* having a physical or mental disability, including having Alzheimer's disease or a related disorder with neurological or organic brain dysfunction, that restricts the ability of the individual to perform normal daily tasks or which threatens the capacity of the individual to live independently.

(12) Home and community based services – services offered to eligible adults in a non-institutional setting.

(13) Homebound – One who is confined to the home because of illness or incapacitating disability.

(14) Home-delivered nutrition services – Nutrition services delivered to *[homebound or otherwise isolated]* eligible recipients in their homes.

[(15) Information and assistance—Providing a prompt, accurate and pertinent response to an inquiry, which may include directing the person to the appropriate resource.]

[(16)](15) Low-income – Persons whose annual income is at or below the poverty threshold established by the Office of Management and Budget.

[(17) Meal pattern—A meal consisting of three (3) ounces of meat or meat alternate, two (2) or three (3) kinds of vegetables and fruits to total one (1) cup serving, one (1) serving of enriched or whole grain bread or alternate, one (1) teaspoon of butter or fortified margarine, one-half (1/2) cup dessert and one (1) cup of milk.]

[(18)](16) Minority – Individuals of the following racial/ethnic compositions: American Indian/Alaskan Native; Asian/Pacific Islander; Black, not of Hispanic origin; or Hispanic.

[(19)](17) Multipurpose senior center – A community or neighborhood facility for the organization and provision of a broad spectrum of services which shall include[,] but not be limited to[,] provision of health, including mental health, social, nutrition, and educational services, and the provision of facilities for recreational activities for older *[persons] adults*.

[(20)](18) Nutrition services – Provision of congregate or home-delivered meals, or both.

[(21)](19) Older *[person] adult* – A person sixty (60) years of age or older.

[(22)](20) Outreach – [A service within the access category involving a first time individualized face-to-face contact initiated by the area agency or service provider to identify the un-served

elderly population, inform them of available community resources and, if appropriate, assist them in gaining access to needed services] **Intervention with individuals initiated by an agency or organization for the purpose of identifying potential participants (or their caregivers) and encouraging their use of existing services and benefits.**

(21) Participant – An eligible individual who receives one (1) or more services.

[(23) Potentially hazardous food—Any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish or other ingredients in a form capable of supporting rapid and progressive growth of infectious or toxicogenic microorganisms. The term does not include foods which have a pH level of four and six-tenths (4.6) or below.

[(24) Principles of menu planning—Planning menus to provide variety in food selection, preparation, texture, shape and size of food and compatibility in food flavors and colors.]

*[(25)](22) Public [information] education – Provision of information to the public where seniors gain access to area agency **on aging** services or the information meets a need of the elderly.*

[(26)](23) Senior center – A facility providing nutrition services and a variety of supportive services to older [persons] adults.

*[(27)](24) Service provider – Any agency which contracts with the Missouri [Division of Aging] **Department of Health and Senior Services; Department of Social Services, Missouri Medicaid Audit and Compliance;** or an [A]area [A]agency on [A]aging to provide services directly to older [persons] adults.*

[(28) Service recipient—An eligible individual who receives one (1) or more services.

[(29) Social need, greatest—The need caused by noneconomic factors which include physical and mental disabilities, language barriers, and cultural, social or geographical isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threatens the capacity to live independently.

[(30) Supportive program—A set of services consisting, at a minimum, of the categories of access, in-home, legal and ombudsman.

[(31) Supportive service center—A facility providing only activities and supportive services, but no nutrition services.]

[(32)](25) Volunteer – A person, other than staff or Senior Community Service Employment Program (SCSEP) enrollees, who contributes personal service.

AUTHORITY: section [660.050, RSMo Supp. 1999] 192.2000, RSMo 2016. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Feb. 17, 1988, effective June 15, 1988. Amended: Filed June 3, 1991, effective Oct. 31, 1991. Amended: Filed May 12, 2000, effective Nov. 30, 2000. Moved to 19 CSR 15-7.005, effective Aug. 28, 2001. Amended: Filed Feb. 7, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private

entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Health and Senior Services, Division of Disability and Senior Services, Melanie Highland, Division Director, PO Box 570, Jefferson City, MO 65102-0570 or by email at LTSS@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

TITLE 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 15 – Division of Senior and Disability Services

Chapter 7 – Service Standards

PROPOSED AMENDMENT

19 CSR 15-7.010 General Requirements for All Service Providers. The department is amending the purpose statement and sections (4)–(9) and (11)–(18).

PURPOSE: This amendment amends the purpose statement, updates terms and statutory and regulatory references throughout the rule, and updates requirements of service providers.

PURPOSE: This rule describes the general requirements that all service providers shall meet to receive grants or subgrants to provide services for older [persons] adults or low income [handicapped] adults **with disabilities** funded by the division or area agencies **on aging**.

PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(4) Service providers shall have an adequate number of staff (paid or volunteer) who are qualified to perform assigned functions in order to implement the activities and services.

(A) Multilingual staff shall be available when there are substantial numbers of non-English speaking [service recipients] participants.

(5) Centers shall be in compliance with all applicable state and local fire and safety laws, as well as the following requirements:

(C) Centers shall develop a written safety and evacuation plan for assuring the safety of [service recipients] participants, staff, and volunteers in case of fire or other hazardous situations and evacuation drills shall be conducted [periodically] annually. Copies of the plan shall be on file at the center and at the area agency[’s] **on aging’s** office and a charted plan shall be posted conspicuously in the center. The plan and procedures shall include[,] but need not necessarily be limited to:—

1. A written assessment of potential fire or safety hazards present on the premises and actions and procedures that are to be followed to minimize danger;

2. A written schedule for *[periodic]* **annual** check of smoke detectors and fire extinguishers to assure that adequate pressure or battery strength is maintained for efficient operation when needed; and

3. A written training plan including frequency of comprehensive and refresher training for staff and volunteers on safety responsibilities and actions to be taken if an emergency situation occurs with documentation of training sessions provided; and

(D) Fire inspections shall be conducted annually at all centers **by state or local fire authorities**. *[At least every two (2) years the inspection shall be conducted by state or local fire authorities; on alternate years the area agency may conduct the inspection provided appropriate training has been received and the form required by the division is used.]* Documentation of the inspector's report, recommendations, and corrections of any deficiencies shall be maintained at the area agency **on aging** and center offices.

(6) Service providers whose staff have direct physical contact with *[service recipients]* **participants** shall make emergency arrangements in consultation with relevant agencies*[.]* for dealing with *[service recipient]* **participant** personal emergencies*[.]* that include*[:]*—

(C) Written instructions posted conspicuously *[by each telephone]* which include*[s]* the 911 emergency telephone number, if available*[:]*, or other local emergency telephone numbers, such as those of physicians, ambulances, hospital emergency rooms, and local civil defense or disaster offices if the 911 number is not available in the community.

(7) Caterers and centers in which food is prepared, served, or both, shall be maintained in a safe and sanitary manner and shall be in compliance with all applicable state, county, or city health codes. Each location at which food is prepared shall be inspected annually by state or local health authorities. Each location at which prepared food is received from another source shall be inspected annually **by state or local health authorities**. *[The inspection shall be conducted by state or local health authorities at least every two (2) years; on alternate years the area agency may conduct the inspection provided appropriate training has been received and the form required by the division is used.]* Documentation of the inspector's report, recommendations, and corrections of any deficiencies shall be kept at both the area agency **on aging** and center offices.

(8) Service provider staff and volunteers shall be familiar with and shall be able to recognize situations of possible abuse, neglect, exploitation, or likelihood of serious physical harm involving older *[persons]* **adults**. *[Conditions or circumstances which place the older person or the household in likelihood of serious physical harm]* **Instances of potential abuse, neglect, exploitation, or likelihood of serious physical harm** shall be immediately reported to the division's *[elderly abuse hotline]* **Adult Abuse and Neglect Hotline** (1-800-392-0210) or **Missouri Adult Abuse and Neglect Online Reporting System** (<https://health.mo.gov/safety/abuse/>). *[Likelihood of serious physical harm means one (1) or more of the following:*

(A) A substantial risk that physical harm to an adult will occur because of failure or inability to provide for essential human needs as evidenced by acts or behavior which have caused harm or which give another person probable cause to believe that the adult will sustain harm;

(B) A substantial risk that physical harm will be inflicted by an eligible adult upon him/herself, as evidenced by recent credible threats, acts or behavior which have caused harm or which places another person in reasonable fear that the eligible adult

will sustain harm;

(C) A substantial risk that physical harm will be inflicted by an eligible adult upon another as evidenced by recent acts or behavior which has caused harm or which gives another person probable cause to believe the eligible adult will sustain harm; or

(D) A substantial risk that further physical harm will occur to an eligible adult who has suffered physical injury, neglect, sexual or emotional abuse or other maltreatment or wasting of his/her financial resources by another person.]

(9) Service providers shall provide the following:

(A) Public information and education activities to ensure that older *[persons]* **adults** are informed of the services available and have maximum opportunity for participation;

(C) A written complaint procedure through which the *[service recipient]* **participant** can communicate to the service provider aspects of the service which impact negatively upon them.

(11) Service providers shall serve older *[persons]* **adults** with the greatest economic or social need, especially low-income minority persons, **older adults residing in rural areas, and frail individuals**. Service providers may use methods such as location of services and specialization in the types of services most needed by these groups to meet this requirement. Service providers shall not use a means test to deny individuals services within the target population.

(12) Service providers shall obtain the views of *[service recipients]* **participants** about the services they receive.

(13) Service providers shall assure that federal funds shall *[not be used to replace funds from nonfederal sources and that the service provider shall continue or initiate efforts to obtain support from private sources or other public organizations]* **be used as the payer of last resort**.

(14) Service providers shall implement the provisions of the Americans with Disabilities Act (ADA) of 1990 (PL 101-336), which prohibits discrimination against people with disabilities, to include*[:]*—

(B) Senior centers are considered places of public accommodation and must therefore comply with the ADA. The responsibility to remove barriers in existing buildings is an ongoing process and area agencies **on aging** should use the following priorities as a guide to increase accessibility: 1) access to the facility; 2) access to the area in which goods and services are available; 3) access to restroom facilities; and 4) removing any remaining barriers. Area agencies **on aging** offering services in buildings where barrier removal is not readily achievable must develop a written implementation plan designed to achieve compliance, as well as a written policy outlining alternative methods to provide services during the interim. All renovations, alterations, or new construction must ensure compliance with ADA requirements by using the ADA Standards for Accessible Design published in Appendix A to the Department of Justice Title III regulations, 28 CFR part 36, **which is incorporated by reference in this rule, as published on July 1, 2021, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, and available at <https://bookstore.gpo.gov>. This rule does not incorporate any subsequent amendments or additions;** and

(15) Procedures for handling contributions shall be developed and implemented that include the following:

(A) Each *[recipient]* **participant** shall be provided with an

opportunity to voluntarily contribute to the cost of the service;
(B) The privacy of each *[recipient]* participant with respect to his/her contribution shall be protected;

(C) Establish and implement a system of internal control that ensures all contributions received are fully and accurately recorded, deposited, accounted for, and reported to the area agency **on aging**.

1. Collecting contributions in a locked box at senior centers[.];

2. Using two (2) persons when accessing contributions or to count receipts[.];

3. Keeping receipts in a secure area or locked box until deposited[.];

4. Recording all contributions on the date of receipt[.];

5. Taking precautions to prevent theft of cash receipts[.];

6. Reporting contribution receipts to the area agency **on aging** at least monthly; and].

7. Avoiding an accumulation of a large balance of income on hand;

(F) A provider shall not deny any elderly person a service because the elderly person will not or cannot contribute to the cost of the service. An eligible *[service recipient]* participant shall not be charged for participating in any service or activity.

(16) Administrative policies and procedures shall be followed which include[.];—

(A) A current Affirmative Action/Equal Employment Opportunity Plan and Program as required by the Civil Rights Act of 1964 and the *[Federal]* Equal Employment Opportunity Act of 1972;

(B) Record keeping and confidentiality as cited in *[13]19* CSR 15-4.300;

(C) Reporting systems to document and report all required program, fiscal, and administrative information needed *[by the area agency. The system shall include format and timelines for submission and the following records:]*

1. Documentation of the total unduplicated low-income minority persons receiving services;

2. Records of paid staff time and volunteer time; and

3. Documentation of service recipient eligibility[.];

(E) Insurance coverage which includes[.];—

1. Workers' Compensation—statutory amount as prescribed by the laws of Missouri;

2. Comprehensive general liability covering employees, volunteers and *[service recipients]* participants;

3. Product liability as applicable to the service provided; and

4. Automobile liability for service provider vehicles and, for volunteers using their own vehicles, at least a procedure for verifying that the volunteer maintains adequate insurance and understands his/her liability;

(F) Written policies that specify which holidays and special event days may be observed by curtailing delivery of services and procedures for publicizing these dates and assuring that *[service recipients]* participants are informed;

(G) Written policies and procedures to be followed when service delivery must be interrupted due to emergency situations including[.];—

1. Definition of types of emergencies (weather, natural disaster, health, **pandemic**, and the like);

2. Specifications of the person/position responsible for making the decision to interrupt scheduled service delivery; and

3. Identification of procedures to be followed for notifying *[service recipients]* participants; and

(H) Written policies and procedures to be followed when

it is necessary to terminate or deny services to an individual *[service recipient]* participant that include[.];—

1. Justification for termination or denial;

2. Referral to other needed services; and

3. Follow-up for return to service, when appropriate.

(17) Any facility altered, renovated, acquired by purchase or lease, or constructed using federal or state funds may not be used for religious instruction or as a place of worship, as follows:

(B) Service providers shall have a written agreement with sectarian organizations housing alternative services programs which includes the provision that all equipment purchased with federal funds remain the property of the area agency **on aging**, as per 45 CFR part *[74]75*, which is incorporated by reference in this rule, as published on October 1, 2021, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, and available at <https://bookstore.gpo.gov>. This rule does not incorporate any subsequent amendments or additions;

(18) Any facility altered, renovated, acquired by purchase or lease, or constructed using federal or state funds may not be used for political campaigning on behalf of any candidate for local, state, or national office unless—

AUTHORITY: section [660.050, RSMo Supp 1999] 192.2000, RSMo 2016. This rule was previously filed as 13 CSR 15-6.135. Original rule filed Jan. 6, 1986, effective April 30, 1986. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 7, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Health and Senior Services, Division of Disability and Senior Services, Melanie Highland, Division Director, PO Box 570, Jefferson City, MO 65102-0570 or by email at LTSS@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

TITLE 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 15 – Division of Senior and Disability Services

Chapter 7 – Service Standards

PROPOSED AMENDMENT

19 CSR 15-7.021 In-Home Service Standards. The department is amending the purpose statement and sections (1), (2), and (4) – (24),

PURPOSE: This amendment amends the purpose statement, updates obsolete language and agency names throughout rule, and updates criteria for providers of in-home services.

PURPOSE: This rule sets forth standards to be met by any agen-

cy which contracts with the Missouri Department of [Health and Senior Services, Division of Senior and Disability Services] **Social Services, Missouri Medicaid Audit and Compliance Unit** for provision of in-home services **authorized by the Missouri Department of Health and Senior Services, Division of Senior and Disability Services.**

PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The Department of Health and Senior Services (also referred to as the department), Division of Senior and Disability Services' (also referred to as the division) payment to the provider is made on behalf of an eligible **[client] participant** as an act of indirect or third-party reimbursement and is not made as a payment for the purchase of a service. Only those services authorized by the division shall be reimbursable to the provider.

(2) The in-home service provider shall deliver services in compliance with the standards set forth in this rule and 13 CSR 70-91.010 **[Personal Care Program]**, 13 CSR **[70-3.020 Title XIX Provider Enrollment]** 65-2.020, and 13 CSR 70-3.030 **[Sanctions for False and Fraudulent Claims for Title XIX Services]**.

(4) In accordance with the protective service mandate (Chapter **[660] 192**, RSMo), the division may take immediate action to protect **[clients] participants** from providers who are found to be out of compliance with the requirements of this rule and of any other rule applicable to the in-home services program, when such noncompliance is determined by the division to create a risk of injury or harm to **[clients] participants**.

(A) Evidence of such risk may include:

1. Unreliable, inadequate, falsified, or fraudulent documentation of service delivery or training;
2. Failure to deliver services in a reliable and dependable manner;
3. Use of in-home service workers who do not meet the minimum employment requirements or training standards of this rule;
4. Failure to comply with the requirements for background screening of employees (sections **[660.315, RSMo and 660.317, RSMo]** **192.2490 and 192.2495, RSMo**); or
5. Discontinuing services outside the provisions specified in section (16) of this rule without the knowledge and consent of the **[client] participant** for a period of one (1) week or three (3) consecutive scheduled service delivery dates, whichever is shorter.

(B) Immediate action may include[,] but is not limited to[:]-

1. Removing the provider from any list of providers[,] and, for **[clients] participants** who request the unsafe and noncomplaint provider, informing the **[clients] participants** of the determination of noncompliance after which any informed choice will be honored by the division; or
2. Informing current **[clients] participants** served by the provider of the provider's noncompliance and that the division has determined the provider unable to deliver safe care. Such **[clients] participants** will be allowed to choose a different provider from the list maintained by the division which will then be immediately authorized to provide service to them.

(5) The **[division] Missouri Medicaid Audit and Compliance Unit (MMAC)** will not consider any proposal for an in-home services contract and subsequent enrollment as a Medicaid personal care provider under 13 CSR 70-91.010(3) unless the proposal is fully completed, properly attested to or affirmed by a person with the expressed authority to sign the proposal, and contains all required attachments.

(A) The proposal shall be made in the exact legal name of the applicant for a contract. The attachments to the proposal shall include[,] but are not limited to the following information/copies:

1. Federal tax identification number;
2. Most recent corporate annual registration report filed with the Missouri secretary of state (if applicable);
3. Certificate of Good Standing issued by the Missouri secretary of state (if applicable);
4. Fictitious name registration filed with the Missouri secretary of state (if applicable);
5. Corporation by-laws, if the applicant is a corporation;
6. Operating agreement and management agreement, if applicable, if the provider is a limited liability company; and
7. Certificate of Insurance evidencing the coverage described in subsection (18)(F)(E) of this rule, naming the division as a certificate holder.

(B) Upon receipt of a proposal, **[the division] MMAC** will conduct whatever investigation **[which, in the division's]**, at **MMAC's** discretion, is necessary to determine the applicant's eligibility for a contract. The decision determining eligibility for a contract may include[,] but is not limited to[,] the conduct of the provider and principals of the provider during any prior contractual periods.

(C) Prior to the issuance of an initial contract, a site visit will be conducted for in-home service providers entering the program **[after July 1, 2001]**.

(6) Respite care services are maintenance and supervisory services provided to a **[client] participant** in the individual's residence to provide temporary relief to the caregiver(s) that normally provides the care.

(A) Respite care services shall include, at a minimum, the following activities:

1. Supervision—The respite care worker will provide personal oversight of the **[client] participant** for the duration of the service period. Personal oversight includes making a reasonable effort to assure the safety of the **[client] participant** and to assist the **[client] participant** in meeting his/her own essential human needs. Sleeping is permitted when the **[client] participant** is asleep, provided there is no indication that the condition of the **[client] participant** would pose a risk if the **[client] participant** awoke while the respite care worker was sleeping. The worker must be in close proximity to the **[client] participant** during a sleeping period;

2. Companionship—The worker will provide companionship during the **[client's] participant's** waking hours and attempt to make the **[client] participant** as comfortable as possible; and

3. Direct client assistance—The worker will provide direct **[client] participant** assistance as needed to meet needs usually provided by the regular caregiver.

(B) Basic respite care services are provided to **[clients] participants** with nonskilled needs.

(C) Advanced respite care services are maintenance and supervisory services provided to a **[client] participant** with nonskilled needs that require specialized training.

1. **[Clients] Participants** appropriate for this service include persons with special needs, requiring a higher level of

personal oversight as determined by the division.

[2. An initial on-site evaluation of the client's condition and identification of special training needs for the advanced respite care worker shall be made by the provider RN prior to initiation of service.

3. A monthly nurse visit will be authorized for each advanced respite care client for each month advanced respite care is authorized. During the visit the nurse will evaluate and document the client's condition and adequacy of the care plan.

4. Although monthly visits may be performed by a licensed nurse, for clients receiving ongoing advanced respite care services, it is required that the on-site visit be conducted by an RN at six (6) month intervals.

(D) Nurse respite care services are maintenance and supervisory services provided to a client with special skilled needs. Nurse respite care services are provided to relieve a caregiver who lives with the client.

1. Clients appropriate for this service include persons with special needs as determined by the division.

2. An initial on-site evaluation of the client's condition and identification of special training needs for the nurse respite care worker shall be made by the provider RN prior to initiation of service.

3. For clients receiving ongoing nurse respite care services, it is required that an on-site evaluation be conducted by an RN at six (6) month intervals. The RN evaluation shall document the client's condition and the adequacy of the care plan.]

(7) Homemaker services are general household activities provided by a trained homemaker when the *[client] participant* is unable to manage the home and care for him/herself or others in the home or when the individual (other than the *[client] participant*) who is regularly responsible for these activities is temporarily absent. Homemaker services shall include, at a minimum, the following activities:

(N) Read and write essential correspondence for *[blind, illiterate or physically impaired clients] participants who are blind, illiterate, or have physical disabilities*; and

(O) Instruct the *[client] participant* in ways to become self-sufficient in performing household tasks.

(8) Chore services are short-term, intermittent tasks necessary to maintain a clean, safe, sanitary, and habitable home environment and determined by the division to be critical in maintaining the *[client's] participant's* health and safety. Chore services shall be provided only when the *[client] participant* or other household member is incapable of performing or financially providing for them, and when no other relative, caregiver, landlord, community or volunteer agency, or third-party *[payor] payer* is capable of or responsible for providing such tasks. Chore services include the following activities:

(9) The range of homemaker, chore, and respite activities the in-home worker provides is mutually determined by the provider agency and the *[client] participant*.

(10) Basic personal care services are maintenance services provided to a *[client] participant* in the individual's residence to assist with the activities of daily living. Regulations for personal care are filed at 13 CSR 70-91.010.

(11) Advanced personal care services are maintenance services provided to a *[recipient] participant* in the individual's home to assist with activities of daily living when this assistance requires devices and procedures related to altered body functions. Regulations for advanced personal care are filed at 13 CSR 70-91.010.

(12) Authorized nurse visits are skilled nursing services of a maintenance or preventive nature provided to *[clients] participants* with stable chronic conditions. They are provided at the *[client's] participant's* residence and prior-authorized by the division *[case manager]*. These services are not intended primarily as treatment for an acute health condition. Authorized nurse visit services may be provided by a licensed practical nurse (LPN) or a graduate nurse (GN) under the direction of a registered nurse (RN). Regulations for authorized nurse visits are filed at 13 CSR 70-91.010.

(13) The in-home service provider shall not perform and shall not be reimbursed for the following activities:

(A) Providing therapeutic/health-related activities that should be performed by a registered nurse, licensed practical nurse, **graduate nurse**, or home health aide under Titles XVIII or XIX home health programs;

(D) Performing household services not essential to the *[client's] participant's* needs; and

(14) Prior to approval by *[the division] MMAC* for an in-home services contract and subsequent enrollment as a Medicaid personal care provider under 13 CSR 70-91.010(3), in addition to the contract, *[after August 1, 1998,]* all providers must –

(A) Designate to *[the division] MMAC* the manager who will be responsible for the provider's day-to-day operation. This manager shall be a *[policy maker] policymaker* and direct the provider's *[record keeping] recordkeeping*, service delivery verification, hiring and firing practices, and staff training;

(B) Ensure that the designated manager successfully completes (or has completed) a *[division] MMAC* provider certification course offered (quarterly or as needed) at no charge. *Attendees shall be responsible for their own expenses, including but not limited to travel, meal and lodging costs they may incur in attending this course*;

(D) Ensure the designated managers annually attend *[division] MMAC*-sponsored training designed to update *[certified] managers*.

(15) *[Clients] Participants* shall be accepted for care on the basis of a reasonable expectation that the *[client's] participant's* maintenance care needs can be met adequately by the agency in the *[client's] participant's* place of residence. Services shall follow a *[written]* state-approved care plan developed in collaboration with and signed by the *[client] participant*.

(A) The care plan shall consist of an identification of the services and tasks to be provided, frequency of services, and the maximum number of units of service per month, *functional limitations of the client, nutritional requirements if a special diet is necessary, medications and treatments as appropriate, any safety measures necessary to protect against injury and any other appropriate items*].

(B) A new in-home assessment and care plan may be completed by the division as needed to redetermine the need for in-home services or to adjust the monthly amount of authorized units. *[In collaboration with the client, the provider agency may develop a new or revised set of service tasks, and weekly schedule for service delivery which shall be forwarded to the division.]* The service provider must always have, and provide services in accordance with, a current an active care plan. Only the division, not the service provider, may increase the overall maximum number of units for which the individual is eligible per month.

(C) The *[client] participant* will be informed of the option of services available to him/her in accordance with the assessment findings.

(16) To ensure safety and welfare of *[clients]* **participants**, the following policies and procedures shall be followed when discontinuing in-home services:

(A) Services for a *[client]* **participant** shall be immediately discontinued by a provider upon receipt of information that the *[client's]* **participant's** case is closed by the division;

(B) When the provider learns of circumstances that may require closing the case (for example, death, entry into a nursing home, *[client]* **participant** no longer needs services, etc.), the provider shall immediately notify the division *[case manager]* in writing and request that the *[client's]* **participant's** service be discontinued;

(C) When the *[client]* **participant**, family member, or other person living in the household[,] threatens or abuses provider personnel, the provider shall immediately notify the division *[case manager by telephone and]* in writing, including information regarding the threat(s) or abusive acts. The division and provider shall mutually determine appropriate intervention and the feasibility of continuing services. The division shall discontinue the *[client's]* **participant's** services, and may refer the *[client]* **participant** to other programs that could meet the *[client's]* **participant's** needs, when the division has determined that it is no longer appropriate for any in-home services provider to continue to provide services to the *[client]* **participant** due to threats to or abuse of provider or division personnel; or

(D) When a *[client]* **participant** is noncompliant with the agreed-upon care plan or the provider is unable to continue to meet the needs of a *[client]* **participant** still in need of assistance, the provider shall contact the division *[case manager]* and *[client]* **participant** (including the caregiver or family when appropriate). The provider shall give written notice of discharge to the *[client]* **participant** or *[client's]* **participant's** family and the division *[case manager]* at least twenty-one (21) days prior to the date of discharge. During this twenty-one (21)-[] day period, the division *[case manager]* shall make appropriate arrangements with the *[client]* **participant** for transfer to another agency, or arrange for care in another care setting. The provider must continue to provide care in accordance with the care plan for these twenty-one (21) days or until alternate arrangements can be made by the *[case manager]* **division**, whichever comes first.

(17) Unless otherwise specified below, a unit of in-home service is fifteen (15) minutes of direct service provided to the *[client]* **participant** in the *[client's]* **participant's** home by a trained in-home service worker, including time spent on *[completing documentation of service units provided and obtaining the client's signature]* **entry of electronic visit verification**. No units are reimbursed except as authorized by the division.

(C) Advanced respite care is authorized in fifteen- (15)-[] minute units[, six to eight (6–8)-hour units, and seventeen (17) to twenty-four (24)-hour units.

(D) Nurse respite care is authorized in fifteen (15)-minute units, with a minimum of sixteen (16) units per visit.]

[(E)](D) The *[monthly]* invoice submitted to the *[division]* **Missouri Department of Social Services, MO HealthNet Division**, for in-home service shall not exceed actual delivered units of services.

(18) The in-home service provider shall meet, at a minimum, the following administrative requirements:

[(B)] *Successfully contact at least two (2) credible references for each employee within thirty (30) calendar days of the date of employment. The term "credible" references shall mean former employers or other knowledgeable persons, excluding relatives*

of the employee. The documentation shall include the name of the employer and the individual giving the reference, the date, the response given when the reference was obtained by telephone and the signature of the person receiving the reference.;

[(C)](B) Monitor a current copy of the department's Employee Disqualification List to ensure that no current or prospective employee's name appears on the list and discharge any such employee once it is discovered by the provider that the employee is on the Employee Disqualification List;

[(D)](C) Have the capability to provide service outside of regular business hours, on weekends, and on holidays as authorized by the division;

[(E)](D) Protect the department and its employees, agents, or representatives from any and all liability, loss, damage, cost, and expense which may accrue or be sustained by the department, its officers, agents, or employees as a result of claims, demands, costs, suits, or judgments against it arising from the loss, injury, destruction, or damage, either to person or property, sustained in connection with the performance of the in-home service;

[(F)](E) Maintain a commercial general liability insurance policy in full force and effect that covers all places of business and any and all *[clients]* **participants**, customers, employees, and volunteers. Such policy shall be an occurrence policy and shall provide coverage for no less than one (1) million dollars per event and three (3) million dollars aggregate and shall include coverage for negligent acts and omissions of the provider's employees and volunteers in the provision of services to *[clients]* **participants** in such *[clients']* **participants'** homes. Such policy shall name the *[division]* **MMAC** as a certificate holder. Providers shall also maintain a professional liability insurance policy in full force and effect that covers all places of business and any and all *[clients]* **participants**, customers, employees, and volunteers. Such policy shall provide coverage for no less than one (1) million dollars per event and three (3) million dollars aggregate and shall include coverage for negligent acts and omissions of the provider's employees and/or volunteers in the provision of professional services to *[clients]* **participants** in such *[clients']* **participants'** homes. Such policy shall name *[the division]* **MMAC** as a certificate holder. The policies shall be coordinated to ensure coverage for all negligent acts and omissions in the provision of the in-home services described in this rule and in 13 CSR 70-91.010, by the provider's employees and volunteers. Additionally, providers shall maintain an employee dishonesty bond covering employees and volunteers who are connected with the delivery and performance of in-home services in the *[client's]* **participant's** home;

[(G)](F) Furnish adequate identification (ID) to employees of the provider. This ID shall be carried by the employee in a way that the *[client]* **participant** can see the name of the agency with whom the aide is employed. A permanent ID including the provider's name[,] and employee's name and title shall be considered adequate ID. At the time of employment, an ID shall be issued which will meet the ID requirement. The provider shall require the return of the ID from each employee upon termination of employment;

[(H)](G) Ensure that no in-home services worker is a member of the immediate family of the *[client]* **participant** being served by that worker. An immediate family member is defined as a **spouse**; parent; sibling; child by blood, adoption, or marriage (**step-child**); *[spouse;]* grandparent; or grandchild;

[(I)](H) Notify *[the division's central office]* **MMAC** of any changes *[in]* of **ownership, managing employees, office location, telephone number(s), email address, or administrative or corporate status;**

[(J)](I) Have and enforce a written code of ethics which is distributed to all employees and *[clients] participants*. The code of ethics shall allow use of the bathroom facilities[,] and, with the *[client's] participant's* consent, allow the worker to eat the lunch provided by the worker, in the *[client's] participant's* home. The code of ethics shall be reviewed with the *[client] participant*, caregiver, or family when appropriate, and include, at a minimum, the following prohibitions:

1. Use of *[client's] participant's* car;
2. Consumption of *[client's] participant's* food or drink (except water);
3. Use of *[client's] participant's* telephone for personal calls;
4. Discussion of own or other's personal problems, religious or political beliefs with the *[client] participant*;
5. Acceptance of gifts or tips;
6. Bringing other persons to the *[client's] participant's* home;
7. Consumption of alcoholic beverages, or use of medicine or drugs for any purpose, other than medical, in the *[client's] participant's* home or prior to service delivery;
8. Smoking in *[client's] participant's* home;
9. Solicitation or acceptance of money or goods for personal gain from the *[client] participant*;
10. Breach of the *[client's] participant's* privacy and confidentiality of information and records;
11. Purchase of any item from the *[client] participant* even at fair market value;
12. Assuming control of the financial or personal affairs, or both, of the *[client] participant* or of his/her estate including power of attorney, conservatorship, or guardianship;
13. Taking anything from the *[client's] participant's* home; and
14. Committing any act of abuse, neglect, or exploitation;

[(K)](J) Ensure prompt initiation of authorized services to new *[clients] participants*. The provider shall deliver the in-home service within *[seven (7)] ten (10)* calendar days of receipt of the service authorization from the division *[case manager]* or on the beginning date specified by the authorization, whichever is later, and on a regular basis after that in accordance with the care plan. The date of receipt must be recorded on each service authorization by the provider. Verbal authorization shall be effective upon acceptance by the provider and services must begin as agreed. If service is not initiated within the required time period, detailed written justification must be sent to the division *[case manager]* with a copy maintained in the *[client's] participant's* file;

[(L)](K) Recommend, verbally or in writing, changes to the authorized care plan any time the *[client] participant* has an ongoing need for service activities which may require more or fewer units than the amount specified in the care plan;

[(M)](L) Keep documentation of undelivered services, including the reason for this failure to deliver authorized units;

[(N)](M) Be aware that in-home services provided shall not be reimbursed unless authorized *[in writing]* by the division;

[(O)](N) Ensure that all subcontractors comply with all standards required by section (2) of this rule;

[(P)](O) Shall give a written statement of the *[client's] participant's* rights and review the statement with each *[client] participant* and primary caregiver, when appropriate, at the time service is initiated. The statement of *[client] participant* rights must contain at a minimum, the right to:—

1. Be treated with respect and dignity;
2. Have all personal and medical information kept confidential;

3. Have direction over the services provided, to the degree possible, within the care plan authorized;

4. Know the provider's established grievance procedure and how to make a complaint about the service and receive cooperation to reach a resolution, without fear of retribution;

5. Receive service without regard to race, creed, color, age, sex, or national origin; and

6. Receive a copy of the provider's code of ethics under which services are provided;

[(Q)](P) Have a system through which *[clients] participants* may present grievances concerning the operation of the in-home service program and/or delivery of care;

[(R)](Q) Report all instances of potential abuse, neglect, exploitation of a *[client] participant*, or any combination of these, to the division's *[Elder] Adult Abuse, Neglect, and Exploitation* Hotline (1-800-392-0210), including all instances which may involve an employee of the provider agency;

[(S)](R) Copayment, as determined by the division's *[case manager]*, shall be collected monthly from non-Medicaid *[clients] participants*. Liability levels for copayment are based on a sliding fee schedule as determined by the division. The money collected as copayment replaces the amount withheld from reimbursement by the automated payment system. Prompt and reasonable attempts to collect from the *[client] participant* or the *[client's] participant's* guardian or estate shall be made by the provider. Failure of *[clients] participants* to submit the required copayment, when determined to be a condition of participation, shall be reported to the division. Failure of *[clients] participants* to comply with copayment requirements may result in termination of services. Unsuccessful attempts to collect from the estate of a deceased *[client] participant* are to be referred to the home and community services deputy director of the division;

[(T)](S) Implement a contribution system which accounts for contributions received from *[clients] participants* for in-home services. Non-Medicaid *[clients] participants* shall be informed of their right to voluntarily contribute when they are admitted for services. Services shall not be denied to any *[client] participant* based on failure to make a contribution. Only the division may authorize expenditure of contributed funds, which shall be used for the sole purpose of providing in-home services. Reports of contributions by county shall be made to each home and community services regional manager including the balance on hand, contributions received, contributions used for division-authorized services, and ending balance. The provider shall submit to the regional manager a contributor report at the end of any month in which contributions are received and/or expended. Upon termination or lapse of a provider's contract, the remaining balance of all contribution funds held by the provider shall be reported to the division and will be withheld from the provider's final reimbursement;

[(U)](T) Understand that both program and fiscal monitoring of the in-home service program shall be conducted by *[the division] MMAC* or its designee.

1. Monitoring visits may be announced or unannounced.

2. *[The division] MMAC* shall disclose the findings of the visit to the provider.

3. Upon request by the division, the provider shall submit a written plan for correcting areas found to be out of compliance;

[(V)](U) Designate trainer(s) to perform the sessions required as part of the basic training. The designated trainer(s) may be the RN, LPN, supervisor, or an experienced aide who has been employed by *[the] a* provider agency at least six (6) months. A list of designated trainers must be available for monitoring;

[(W)](V) Providers must establish, enforce, and implement a policy whereby all contents of the personnel files of its employees are made available to department employees or representatives when requested as part of an official investigation of abuse, neglect, financial exploitation, misappropriation of **[client's] participant's** funds or property, or falsification of documentation which verifies service delivery;

[(X)](W) Have established policies to promote the safety of its employees. The provider shall make available to its employees information about and access to public information sources to determine whether a **[client] participant**, family member, or other person living in the household may pose a potential danger to its employees. Public information includes[,] but is not limited to[,] the Missouri State Highway Patrol's Sex Offender Registry and the Missouri State Courts Automated Case Management System. If an employee has a reasonable belief that a **[client] participant**, family member, or other person living in the household poses a potential danger to the employee, the provider shall document all necessary steps taken to protect the employee, which may include but is not limited to:—

1. Obtaining a signed agreement from the **[client] participant**, family member, or other person living in the household not to engage in inappropriate activity involving the provider's employees;

2. Seeking approval from the division to send two (2) provider employees for service delivery;

3. Requiring that a third party approved by the provider, the division, and the **[client] participant** or **[client's] participant's** designee be present on-site while the employee is on the premises;

[(Y)](X) The provider shall not harass, dismiss, or retaliate against an employee because the employee declines to provide services to a **[client] participant** based on the employee's reasonable belief that such **[client] participant**, family member, or other person living in the household poses a danger to the employee; and

[(Z)](Y) The provider shall notify employees and implement established safety procedures upon receipt of information from the division or any other reliable source that a **[client] participant**, family member, or other person living in the household may pose a potential danger to provider employees.

(19) In-home service providers shall meet, at a minimum, the following personnel requirements:

(A) The in-home provider shall employ an RN or designate an RN as a consultant[,] who meets each of the following qualifications:

1. Currently licensed in Missouri;

2. Have at least one (1)[/]-year **[verifiable]** of experience with direct care of the elderly[, **disabled**] or **individuals with disabilities** or **[infirm] medically complex conditions**; and

3. Meet the RN supervisory requirements for personal care and advanced personal care in accordance with 13 CSR 70-91.010;

(B) **[A]An administrative** supervisor shall be designated by the provider to supervise the day-to-day delivery of in-home service **[who] and** shall be at least twenty-one (21) years of age and meet at least one (1) of the following requirements:

1. Be a registered nurse who is currently licensed in Missouri; or

2. Possess a baccalaureate degree; or

3. Be a licensed practical nurse who is currently licensed in Missouri with at least one (1) year of experience with **[the] direct care to the elderly[, disabled] or individuals with disabilities** or **[infirm] medically complex conditions**; or

4. Have at least **[three (3)] two (2)** years of experience with

[the] direct care to the elderly [disabled] or individuals with disabilities or **[infirm] medically complex conditions**[.];

(C) All in-home service workers employed by the provider shall meet the following requirements:

1. Be at least eighteen (18) years of age;

2. Be able to read, write, and follow directions; and**[meet at least one (1) of the following requirements:**

A. **Have at least six (6) months paid work experience as an agency homemaker, nurse aide, maid or household worker; or**

B. **At least one (1) years experience, paid or unpaid, in caring for children or for sick or aged individuals; or**

C. **Successful completion of formal training in nursing arts or as a nurse aide or home health aide;**

3. **Shall not be an immediate family member of the participant. Immediate family member is defined as spouse; parent; sibling; child by blood, adoption, or marriage (step-child); grandparent; or grandchild;**

(D) All advanced personal care aides and advanced respite care workers employed by the provider shall be —

1. A licensed practical nurse; or

2. Certified nurse assistant; or

3. A competency-evaluated home health aide having completed both written and demonstration portions of the test required by the Missouri Department of Health and Senior Services and 42 CFR 484.**[36]80, which is incorporated by reference in this rule, as published on October 1, 2021, by the Office the Federal Register, National Archives and Records Administration, Washington, DC 20408, and available at <https://bookstore.gpo.gov>. This rule does not incorporate any subsequent amendments or additions;** or

4. Documented to have **[worked]** successfully **[for the provider for a minimum of three (3) consecutive months while working at least fifteen (15) hours per week as an in-home aide that has received personal care training]** completed personal care aide training;

(E) All individuals employed to deliver authorized nurse visits shall be currently licensed to practice as a registered nurse, **[or a] licensed practical nurse, or a graduate nurse** in Missouri; and

[(F) The division does not require employees delivering only chore services outside the client's home as specified in (8)(J) to have experience as required in (19)(C)2. of this rule; and]

[(G)](F) The provider shall ensure that all employees are registered with the Family Care Safety Registry (FCSR) pursuant to the requirements of sections 210.900[, **RSMo**] to 210.936[, **RSMo**] and **[660.317.7, RSMo, Supp. 2005] section 192.2495.7, RSMo.**

(20) The RN required by (19)(A) of this rule will be primarily responsible for ensuring that policies and procedures of the in-home service provider meet the clinical standards for proper care of **[clients] participants**, training of staff, and general clinical integrity of the in-home service provider. Such responsibilities shall include, at a minimum, the following functions:

(D) Assure that appropriate recommendations or reports are forwarded to the division including[.] requests to increase, reduce, or discontinue services[.]; changes in the **[client's] participant's** condition[.]; noncompliance with care plan[.]; nondelivery of authorized services[.]; or the need for increased division involvement;

(E) Establish, implement, and enforce a policy governing communicable diseases that prohibits provider staff contact with **[clients] participants** when the employee has a communicable condition including colds or flu;

(G) Monitor or provide oversight of nurse tasks or functions

delegated to and performed by the LPN or GN.

(21) The *[in-home service]* administrative supervisor's responsibilities shall include, at a minimum, the following functions:

(A) Monitoring the provision of services by the in-home services worker to assure that services are being delivered in accordance with the care plan. This shall be primarily in the form of an at least monthly review and comparison of the worker's record of provided services with the care plan. **Documentation must be kept on undelivered services, including the reason for this failure to deliver authorized units;**

[(B) Documentation must be kept on clients with a delivery rate of less than eighty percent (80%) of the authorized units of in-home service. For each client with a delivery rate less than eighty percent (80%) of the authorized units of in-home services authorized for the time period being reviewed, the number of units of service delivered and the non-delivery code will be sent to the division regional manager monthly on a form acceptable to the regional manager. Discrepancies for these clients concerning the frequency of delivered services and/or the in-home service tasks delivered, and the corrective action taken, will be signed and dated by the supervisor and be readily available for monitoring or inspection;]

[(C)](B) Evaluating, in writing, each in-home service aide's performance at least annually. The evaluation shall be based in part on at least one (1) on-site visit. *[The aide must be present during the visit.]* **This annual site visit can be completed during a general health evaluation (GHE) or a reassessment.** The evaluation will include, in addition to the aide's performance, the adequacy of the care plan, including review of the care plan with the *[client]* participant. The written report of the evaluation shall contain documentation of the visit, including the *[client's]* participant's name and address, the date and time of the visit, the aide's name, and the supervisor's observations and notes from the visit. The evaluation shall be signed and dated by the supervisor who prepared it and by the aide. If the required evaluation is not performed or not documented, the aide's qualifications to provide the services may be presumed inadequate and all payments made for services by that aide may be recouped;

[(D)](C) Communicating with the division *[case manager]* and provider RN regarding changes in any *[client's]* participant's condition, changes in scope or frequency of service delivery, and recommending changes in the number of units of service per month including *[written]* documentation of that communication; and

[(E)](D) Assure that all individuals~~[,]~~ who may not be considered employees~~[,]~~ but work for the provider in any capacity involving direct care of *[clients]* participants have a signed agreement detailing the employment arrangement, including all rights and responsibilities. Such agreement would apply to all individuals hired through contract or other employment arrangement.

(22) The in-home service provider shall have a written plan for providing training for new aides, respite care workers, and homemakers which shall include, at a minimum, the following requirements:

(A) *[Twenty (20)]* **Twelve (12)** hours of orientation training for in-home service workers, including at least two (2) hours orientation to the provider agency and the agency's protocols for handling emergencies, within thirty (30) days of employment.

1. *[Eight (8)]* **A minimum of six (6)** hours of *[classroom]* training will be provided prior to the first day of *[client]* par-

ticipant contact.

2. New employee orientation curricula shall include an overview of Alzheimer's disease and related dementias and methods of communicating with persons with dementia pursuant to the requirements of section *[660.050.8]* **192.2000.7**, RSMo.

3. *[Twelve (12)]* **Four (4)** hours of required orientation training may be waived for aides and homemakers with adequate documentation in the employee's records that *[s/he has]* they have received similar training during *[the current or preceding year or has been employed at least half-time for six (6) months or more within the current or preceding year]* the previous twelve (12) months.

4. All hours of orientation training *[except the]* with the exception of the statutorily required dementia training and two (2) hours provider agency orientation) may be waived with adequate documentation, placed in the aide's personnel record, that the aide is a licensed practical nurse, registered nurse, or certified nurse assistant. The documentation shall include the employee's license or certification number which must be current and in good standing at the time the training was waived;

(B) *[Ten (10)]* **Five (5)** hours of in-service training annually are required after the first twelve (12) months of employment. **The provider may waive the required annual five (5) hours of in-service training and require only two (2) hours of refresher training annually, when the personal care aide has been employed for three (3) years and has completed fifteen (15) hours of in-service training.** In-service training curricula shall include updates on Alzheimer's disease and related dementia; and

(C) *[Additional training requirements for in-home workers providing advanced respite must be determined and provided by a provider agency RN following assessment of the client's condition and needs.]* Prior to the delivery of service, the personal care aide shall receive a copy of the care plan for the participant and be provided with information about the participant in order to appropriately deliver services to meet the needs of the participant.

(23) The in-home service provider shall have written documentation of all basic and in-service training provided which includes, at a minimum~~[:]~~—

(A) A report of each employee's training in that employee's personnel record. The report shall document the dates of all classroom or on-the-job training, trainer's name, topics, number of hours and location, the date of the first *[client]* participant contact, and shall include the aide's signature~~[:]~~;

(C) The provider agency shall *[keep a]* maintain an established training *[record or folder]* curriculum that contains:

1. A list of all trainings *[sessions held by the provider]* used to fulfill training requirements; and

2. A copy of all agendas *[showing date, time and duration of]* outlining the content of the different trainings *[sessions; and]*.

[3. Qualifications of trainer(s), if other than the provider agency RN.]

(24) The in-home service provider shall maintain, at a minimum, the following records in a central location for five (5) years. Records must be provided to the department staff or designees upon request, and must be maintained in a manner that will ensure they are readily available for monitoring or inspection. Records include~~[:]~~—

(A) Individual *[client]* participant case or clinical records including records of service provision. These are confidential

and shall be protected from damage, theft, and unauthorized inspection and shall include, at a minimum, the following:

1. The **care plan for the** authorization for services *[forms]* from the division which documents authorization for all units of service provided;

2. *[Individual worker delivery records that accurately document the client's name, dates of service delivery, beginning time and ending time for each service delivery date activities or tasks performed, aide's signature and the client's signature verifying each date(s) of service. If the client is unable to sign, another responsible person present in the home during service delivery may sign to verify the time and activities reported or the client may make his/her mark (x) which shall be witnessed by a minimum of one (1) person who may be the aide or homemaker. If these documents are not filed in the client's case record, they must be readily available for monitoring or inspection]* **Verification of services delivered through electronic visit verification (EVV) pursuant to 13 CSR 70-3.320;**

3. Documentation explaining discrepancies between authorized and delivered services including a description of corrective action taken, when applicable, *and documentation of information forwarded to the division;*

4. All *[registered nurse]* clinical notes concerning the *[client]* **participant;**

5. Documentation of all correspondence and contacts with the *[client's]* **participant's** physician or other care providers; **and**

[6. Copies of written communication transmitted to and from the division case manager; and]

[7.]6. Any other pertinent documentation regarding the *[client]* **participant.**

(B) Individual personnel record for each employee which is a confidential record and shall be protected from damage, theft, and unauthorized inspection and shall include, at a minimum, the following:

1. Employment application containing the employee's signature and documentation sufficient to verify **that** the employee meets age, education, and work experience requirements. The record shall document employment and termination dates;

[2. Documentation of at least two (2) credible reference contacts;]

[3.]2. Documentation concerning all training and certification received;

[4.]3. Documentation supporting any waiver of employment or training requirements;

[5.]4. Annual performance evaluation which includes observations from one (1) on-site visit;

[6.]5. A signed statement documenting that the employee received and reviewed a copy of the *[client's]* **participant's** rights, the code of ethics, and the service provider's policy regarding confidentiality of *[client]* **participant** information, and that all were explained prior to service delivery;

[7.]6. A signed statement verifying that the supervisor received and reviewed a copy of the in-home service standards;

[8.]7. Statement identifying the employee's position, including whether the employee performs administrative duties for the provider or delivers services to clients;

8. A signed statement verifying the employee is not a participant if the employee will be delivering direct care to participants;

9. Returned permanent ID for a terminated employee or documentation of why it is not available; and

10. Verification of the current Missouri certified nurse assistant, licensed practical nurse, **graduate nurse**, or registered nurse license including, at least, the license or certificate num-

ber; **and**

[(C) Accurate records documenting dates and amount of contributions received and expended. Records of contributions received should list the name of each contributor and the date and amount of the contribution. The contribution expenditure records should list the name and amount of the contribution. The contribution expenditure records should list the name and address of each client, dates of service delivery, time spent on each date, activities performed, aide's name and the client's signature for each date of service; and]

[(D)](C) Documentation of each Employee Disqualification List (EDL) and criminal background screening sufficient to show the identity of the person who was screened, the dates the screening was requested and completed, and the outcome of the screening. Providers that use the Family Care Safety Registry (FCSR) to conduct EDL and criminal background screenings shall maintain documentation of each FCSR screening sufficient to show the identity of the person who was screened, the dates the screening was requested and completed, and the outcome of the screening.

AUTHORITY: section [660.050, RSMo Supp. 2005] 192.2000, RSMo 2016. This rule previously filed as 13 CSR 15-7.021. Original rule filed Sept. 1, 1994, effective April 30, 1995. For intervening history, please see the Code of State Regulations. Amended: Filed Feb. 7, 2023.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Health and Senior Services, Division of Disability and Senior Services, Melanie Highland, Division Director, PO Box 570, Jefferson City, MO 65102-0570 or by email at LTSS@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

TITLE 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES Division 30 – Division of Regulation and Licensure Chapter 105 – Supplemental Health Care Services Agency

PROPOSED RULE

19 CSR 30-105.010 Definitions

PURPOSE: This rule defines terms as set forth in this chapter and sections 198.640 through 198.648, RSMo.

(1) Addresses shall mean, for legal entities and individuals, the physical address from which the disclosing entity operates its Missouri business and mailing address if different from the physical address.

(2) Articles shall mean a legal entity's articles of incorporation, articles of association, articles of organization, or articles of partnership.

(3) Average amount charged shall mean the average hourly rates or set pricing charged to a health care facility by an agency for each applicable individual health care personnel.

(4) Average amount paid shall mean the average hourly rates or set pricing paid by the agency to each applicable individual health care personnel.

(5) Controlling person shall mean a business entity, officer, program administrator, or director whose responsibilities include the direction of the management or policies of a supplemental health care services agency. The term controlling person shall also mean an individual who, directly or indirectly, holds an ownership interest of five percent (5%) or more in a corporation, partnership, or other business association that is itself a controlling person.

(6) Department shall mean the Missouri Department of Health and Senior Services.

(7) Digital website shall mean an online webpage operated by an agency that maintains employee applications submitted to the agency online, for referral to a health care facility.

(8) Digital smart phone application shall mean a computer program or software application operated by an agency that maintains applications submitted for referral to a health care facility that is designed to run on a mobile device such as a phone, tablet, or watch.

(9) Employment opportunities shall mean either part time or full-time employment with any health care facility.

(10) Health care facility shall mean a licensed hospital as defined under section 197.020, RSMo, or a licensed assisted living facility, intermediate care facility, residential care facility, or skilled nursing facility as defined under section 198.006, RSMo.

(11) Health care personnel or personnel shall mean any individual licensed, accredited, or certified by the state of Missouri to perform specified health services consistent with state law.

(12) Immediately available shall mean made available to the department or its agent within one (1) business day following written requests made by means of email, fax, or in-person delivery, or within (1) hour of requests made during inspection visits.

(13) Independent contractor shall mean a self-employed worker licensed, accredited, or certified by the state of Missouri to perform specified health services consistent with state law, who is contracted or referred by a supplemental health care services agency to fulfill specified health services in a health care facility.

(14) Operator shall mean any person who establishes, conducts, or maintains an agency, or any person licensed or required to be licensed to establish, maintain, or conduct an agency.

(15) Owner shall mean any person with an ownership interest of five percent (5%) or more in the agency.

(16) Ownership interest shall mean a percentage of ownership of each person of any general partnership, limited partnership, general business corporation, nonprofit corporation, limited liability company, or governmental entity which owns or operates the agency.

(17) Person shall mean an individual, firm, corporation, partnership, association, or other legal entity.

(18) Referral shall mean the act of sending or directing health care personnel to a health care facility to work at the request of or for the benefit of the facility.

(19) Specified health service shall mean services provided by any individual health care personnel in a health care facility.

(20) Supplemental health care services agency or agency shall mean a person, firm, corporation, partnership, or association engaged for hire in the business of providing or procuring temporary employment in health care facilities for health personnel, including a temporary nursing staffing agency as defined in section 383.130, RSMo, or that operates a digital website or digital smartphone application that facilitates the provision of the engagement of health care personnel and accepts requests for health care personnel through its digital website or digital smartphone application. The term shall not include an individual who engages only on his or her own behalf, or to provide the individual's services on a temporary basis to health care facilities or a home health agency licensed under section 197.415, RSMo, and shall not include a person, firm, corporation, partnership, or association engaged in the provision of contracted specialty services by a practitioner as defined under subdivision (4) of section 376.1575, RSMo, to a hospital as defined under section 197.020, RSMo, or to other individuals or entities providing health care that are not health care facilities.

(21) Temporary employment shall mean health care personnel placed by a supplemental health care services agency in a health care facility for an initial term of less than twenty-four (24) months to support or supplement the facilities' workforce for any purpose.

AUTHORITY: section 198.648, RSMo Supp. 2022. Original rule filed Feb. 8, 2023.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Alison Dorge, Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102, or via email at Alison.Dorge@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

TITLE 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30 – Division of Regulation and Licensure Chapter 105 – Supplemental Health Care Services Agency

PROPOSED RULE

19 CSR 30-105.020 Registration Fees

PURPOSE: This rule establishes registration fees authorized by

section 198.642, RSMo.

(1) The following fees are required by the Supplemental Health Care Services Agency program:

(A) Initial annual registration fee \$830

(B) Renewal annual registration fee \$700

(2) Fees must be payable to the Department of Health and Senior Services in the form of a cashier's check, personal or certified check, company check, money order, or through the online payment system by credit card or e-check. A registrant may mail their fee to the Department of Health and Senior Services, Fee Receipt Unit, PO Box 570, Jefferson City, MO 65102-0570. Payments made using the online payment system may include an additional processing fee.

(3) All fees are nonrefundable and are not proratable.

(4) Notwithstanding any other provision in this rule to the contrary, if an agency fails to provide sufficient registration fee(s), the department shall reject the application and return the fee(s). An agency may then resubmit an application with the correct registration fee(s).

AUTHORITY: section 198.648, RSMo Supp. 2022. Original rule filed Feb. 8, 2023.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule is estimated to cost private entities \$1,983,600 over the first three (3) years and an estimated five hundred fifty-three thousand eight hundred dollars (553,800) annually, thereafter.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Alison Dorge, Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102, or via email at Alison.Dorge@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: 19 CSR 30-105.020**

Rule Number and Title:	19 CSR 30-30-105.020 Registration Fees
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
600 year 1 60 year 2 60 year 3	Entity/Agency initially registering with DHSS as a supplemental health care services agency	\$597,600 for the first three year period
600 year 1 660 year 2 720 year 3	Entity/Agency renewing with DHSS as a supplemental health care services agency	\$1,386,000 for the first three year renewal period
	TOTAL COSTS =	\$1,983,600 for the first year three year period

III. WORKSHEET

Department of Health and Senior Services is unsure of the number of agencies that will apply to be registered but estimates there could be 0 to 600 supplemental health care services agencies conducting business in Missouri that will require registration with DHSS. The maximum registration fee set out in statute is no more than \$1,000.00.

The initial annual registration fee is set at \$830 per registration
Renewal annual registration fee is set at \$700 per registration.

IV. ASSUMPTIONS

The Department is estimating 0 to 600 agencies to register with the department as a supplemental health care services agency, with a 10% increase of new registrations each year thereafter. Each agency will incur an initial registration fee of \$830, and an annual renewal fee of \$700 thereafter.

600 initial registrations year 1 (600 total registered entities)	10% increase (60) initial registrations year 2 (660 total registered entities)	10% increase (60) initial registrations year 3 (720 total registered entities)
\$498,000	\$49,800	\$49,800

600 renewal registrations year 1	660 renewal registrations year 2	720 renewal registrations year 3
\$420,000	\$462,000	\$504,000

The department has looked at other states that currently require supplemental health care services agencies. Based on the populations and other demographic composition of those states, the department created these estimates for the number of agencies it believes will register. These estimates formed the basis for the department's fiscal estimates.

**TITLE 19 – DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30 – Division of Regulation and Licensure
Chapter 105 – Supplemental Health Care Services
Agency**

PROPOSED RULE

**19 CSR 30-105.030 Procedures and Requirements for
Registration of a Supplemental Health Care Services
Agency**

PURPOSE: This rule specifies the minimum requirements for registration and renewal of a supplemental health care services agency in Missouri.

(1) No person shall establish, conduct, or maintain a supplemental health care services agency in this state without a valid registration issued by the department.

(2) Each supplemental health care services agency providing, procuring, or engaging health care personnel for temporary employment in Missouri health care facilities must submit a registration application and fee. The *Application for Registration to Operate a Supplemental Health Care Service Agency* ("Application"), included herein, shall be completed and submitted to the department with the fee required by 19 CSR 30-105.020. Information provided in the application shall be attested by signature to be true and correct to the best of the applicant's knowledge and belief.

(3) Each separate business location from which the agency operates in Missouri shall have a separate application.

(4) The application shall include –

(A) Agency information, including –

1. The agency's legal or registered fictitious name, addresses, telephone number, fax number, email address, and responsible contact person;

2. Indication of whether the application is the result of a new registered agency or renewal of an existing agency's registration; and

3. The agency's days and hours of operation;

(B) Owner information, including –

1. Owner name(s), federal employer identification number(s) or social security number(s), state tax identification number, mailing address, and contact information;

2. Type of owner's legal entity;

3. All controlling persons in the ownership of the agency, including each individual or entity name, title or position, personal or primary address, telephone number, federal employer identification number or Social Security number, and percentage of ownership;

4. If the owner is a legal entity, include copies of the articles and current bylaws, together with the names and addresses of officers, managers, members, or directors;

(C) Operator information, including –

1. Operator name, mailing address, and contact information;

2. Type of operator's legal entity;

3. All controlling persons in the operation of the agency, including each individual or entity name, title or position, personal or primary address, telephone number, federal employer identification number or Social Security number, and percentage of ownership;

4. List any other supplemental health care services agencies in which the operator owns or operates and

provide the agency's name, address, type of registration, and registration number;

(D) Financial information, including –

1. Proof of financial responsibility through one (1) of the following methods documenting at least four weeks of back wages per employee:

A. Establishing and maintaining an escrow account consisting of cash or assets eligible for deposit; or

B. Obtaining and maintaining an unexpired irrevocable letter of credit established. Such letters of credit shall be nontransferable and nonassignable and shall be issued by any bank or savings association organized and existing under the laws of this state or the United States;

2. Name and address of the bank, savings bank, or savings association in which the agency will deposit the agency's employee's income tax withholdings. If the agency is not responsible for employee income tax withholding, the agency shall provide the name and address of each personnel for whom income taxes will not be withheld; and

3. Additional proof of stable or satisfactory financial condition, as specifically requested by the department. This additional documentation shall be submitted within ten (10) business days of receipt of the written request;

(E) Other information, including –

1. Proof that the agency or health care personnel has medical malpractice insurance (professional liability insurance is acceptable), as required by section 198.644.1(4), RSMo;

2. Proof of current worker's compensation coverage as required by Missouri law and Chapter 287, RSMo or, if the personnel are independent contractors, proof of occupational accident insurance; and

(F) Affidavit, including the following attestations –

1. That the individual or operating entity has adequate financial resources to properly operate the agency referred to in the application;

2. That the agency is familiar with the requirements of a supplemental health care services agency as set out in Chapter 198, RSMo, and the regulations of the Department of Health and Senior Services promulgated thereunder;

3. That the agency does not restrict in any manner the employment opportunities of its health care personnel;

4. That the agency refrains in any contract with any health care personnel or health care facility from requiring the payment of liquidated damages, employment fees, or other compensation should the health care personnel be hired as a permanent employee of a health care facility;

5. That all health care personnel meet all licensing or certification requirements and all training and continuing education standards for the position in which the personnel would be working; and

6. That each health care personnel complies with requirements related to background checks in sections 192.2490 and 192.2495, RSMo.

(5) An agency's registration is valid for one (1) year and shall expire on the annual anniversary of the date the registration was originally issued. If renewed, an agency's registration is valid for one (1) year and shall expire on the annual anniversary of the date the registration was last renewed.

(6) An agency's renewal application must be received at least sixty (60) days prior to the expiration of the current registration.

(7) An agency's registration is valid only for the entity and/or person identified on the registration issued at the address shown thereon and is not subject to sale, assignment, or other

transfer.

(8) An agency must send a copy of its current registration to any member of the general public upon request.



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
DIVISION OF REGULATION AND LICENSURE
SUPPLEMENTAL HEALTH CARE SERVICES AGENCY

**APPLICATION FOR REGISTRATION TO OPERATE A
SUPPLEMENTAL HEALTH CARE SERVICES AGENCY**
(One application per registered agency location)

DO NOT WRITE IN THIS SPACE		
AGENCY REGISTRATION NUMBER		
<input type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW AGENCY	
EXPIRATION DATE		
DATE FEE REC'D	CHECK NO/ JET PAY NO	AMOUNT \$

Applications must be received at least 60 days prior to the expiration of the current registration. Applications will not be considered for review until payment has been received.

Agency Information

1. AGENCY INFORMATION – The name of the Agency must be indicated exactly as you want it to appear on the registration. Include the mailing address of the Agency, if different from the street address.			
Name of Agency/Doing business as (D.B.A)			
Agency Physical Address			
City	County	State	Zip
Agency Telephone Number		Fax Number	
Mailing Address or <input type="checkbox"/> Same as above			
City	County	State	Zip
Agency E-mail Address			
Agency Website (optional)			
Responsible Person		Responsible Person Email and Phone Number (if different from Agency)	
Indicate if this application is a result of a new registered agency or renewal: <input type="checkbox"/> New Agency (\$1,000 fee) <input type="checkbox"/> Renewal (\$750 fee) Each application for registration must be accompanied by a registration fee outlined above. <i>Attach a cashier's check, personal or certified check, company check, or money order payable to the Department of Health and Senior Services. If fee is submitted online, attach fee receipt. This fee is nonrefundable and not proratable.</i> List the days and hours of regular operation. (NOTE: Inspections by the department will occur during the business hours submitted.)			
DAY OF THE WEEK	OPENING TIME (indicate A.M. or P.M.)	CLOSING TIME (indicate A.M. or P.M.)	
<input type="checkbox"/> Sunday			
<input type="checkbox"/> Monday			
<input type="checkbox"/> Tuesday			
<input type="checkbox"/> Wednesday			
<input type="checkbox"/> Thursday			
<input type="checkbox"/> Friday			
<input type="checkbox"/> Saturday			
2. OWNER INFORMATION – Please complete the following for each of the agency's owner(s). Attach multiple copies of this page if necessary.			

Owner Name(s) *The name of the owner must be the exact legal name. If the owner is any entity other than a sole proprietor, the owner name must match the Missouri Secretary of State filing. The owner name should not be the name of any individual stockholder, partner, or member.*

Federal Employer Identification Number (EIN)

State Tax ID #

Mailing Address or ☐ Same as Agency Mailing Address

City

State

Zip

Contact Name

Contact Telephone Number

Contact E-mail Address

Description of Owner (check one):

- ☐ Corporation
☐ Limited Liability Company
☐ Limited Partnership
☐ Individual
☐ Sole Proprietor
☐ Other-explain

A. Individual and/or Entity Ownership of Owner as listed in section 2 above – Provide the information for each controlling person. Attach additional sheets if necessary.

FULL NAME of INDIVIDUAL or ENTITY	TITLE OR POSITION	PERSONAL/PRIMARY ADDRESS	TELEPHONE NUMBER	EIN (or SSN if sole proprietor)	% OWNERSHIP

B. Board Members and Officers of Owner – If the owner is a legal entity, provide the information for each individual or entity that serves as an officer or is on the board of directors of the owner, if applicable. Do not include voluntary board members.

TITLE	FULL NAME	PERSONAL/PRIMARY ADDRESS	TELEPHONE NUMBER
Board Member/Officer			
Board Member/Officer			
Board Member/Officer			
Board Member/Officer			
Board Member/Officer			
Board Member/Officer			

C. Articles – If the owner is a legal entity, attach copies of the owner's articles and current bylaws to this application.

☐ Attached

3. OPERATOR INFORMATION – Please complete the following for the entity(s) operating the agency.

☐ Check mark this box if the operating entity(s) is the same as the owner. If checked, skip ahead to #1 below.

Operator Name(s) *The name of the operator must be the exact legal name. If the operator is any entity other than a sole proprietor, the operator name must match the Missouri Secretary of State filing. The operator name should not be the name of any individual stockholder, partner, or member.*

Mailing Address or ☐ Same as above

City State Zip

Contact Name

Contact Telephone Number Contact E-mail Address

Description of Operator (check one):

- ☐ Corporation
☐ Limited Liability Company
☐ Limited Partnership
☐ Individual
☐ Sole Proprietor
☐ Other-explain

A. Individual and/or Entity Ownership of Operator as listed in section 3 above – Provide the information for each controlling person. Attach additional sheets if necessary.

FULL NAME of INDIVIDUAL or ENTITY	TITLE OR POSITION	PERSONAL/PRIMARY ADDRESS	TELEPHONE NUMBER	EIN (or SSN if sole proprietor)	% OWNERSHIP

B. Board Members and Officers of Operator – Provide the information for each individual or entity (corporation, partnership, association) that serves as an officer or is on the board of directors.

TITLE	FULL NAME	PERSONAL/PRIMARY ADDRESS	TELEPHONE NUMBER
Board Member/Officer			
Board Member/Officer			
Board Member/Officer			
Board Member/Officer			
Board Member/Officer			
Board Member/Officer			

1. Does the operator currently operate or own any other Supplemental Health Care Services Agencies?

☐ Yes ☐ No

If the operator currently operates or owns any other supplemental health care services agencies, then list below or attach a list of such agency or agencies, including their names, address(es), type of registrations and registration number.

☐ Attached ☐ Previously submitted; no amendment or change

Financial Information

Each registrant must submit financial information demonstrating that the operator has the financial capacity to operate an agency.

Each agency must provide proof of financial responsibility through one of the following methods documenting at least four weeks of back wages per employee:

- Establishing and maintaining an escrow account consisting of cash or assets eligible for deposit;
- Obtaining and maintaining an unexpired irrevocable letter of credit established. Such letters of credit shall be nontransferable and nonassignable and shall be issued by any bank or savings association organized and existing under the laws of this state or the United States.

AND

Provide the name and address of the bank, savings bank, or savings association in which the agency will deposit the agency's employee's income tax withholdings. If the agency is not responsible for employee income tax withholding, the agency shall provide the name and address of each personnel for whom income taxes will not be withheld.

☐ Attached ☐ Previously submitted; no amendment or change

Other Information

1. Provide proof that the agency or that the health care personnel has medical malpractice insurance (professional liability insurance is acceptable);

☐ Attached

2. Provide proof of current worker's compensation coverage as required by Missouri Statutes, Chapter 287 RSMo, or if any personnel are independent contractors, provide proof of occupational accident insurance.

☐ Attached

Acceptable forms of worker's compensation coverage include: a certificate of insurance supplied by an authorized Worker's Compensation insurance carrier pursuant to Chapter 287, RSMo. The certificate shall include the name of the registrant, the name of the corporation legally responsible for the registrant, or the name the registrant is doing business as. The certificate must be effective prior to the issuance of an initial registration or have an effective date on or after the effective date of a renewal registration. OR provide approval from the MO Department of Labor to be self-insured.

You cannot be issued a registration and may not operate as a supplemental health care services agency unless acceptable evidence of compliance with workers' compensation coverage provisions is provided.

Affidavit

<p>I attest that I as an individual, or that the operating entity for which I sign, have/has adequate financial resources to properly operate the Agency referred to in this application.</p> <p>I further attest I am familiar with the requirements of a supplemental health care services agency as set out in Chapter 198 of the Missouri Revised Statutes and the regulations of the Department of Health and Senior Services promulgated thereunder.</p> <p>I further attest to refrain in any contract with any health care personnel or health care facility from requiring the payment of liquidated damages, employment fees, or other compensation should the health care personnel be hired as a permanent employee of a health care facility;</p> <p>I further attest that the agency does not restrict in any manner the employment opportunities of its health care personnel;</p> <p>I further attest that each health care personnel meets all licensing or certification requirements and all training and continuing education standards for the position in which the personnel would be working;</p> <p>I further attest that each health care personnel complies with requirements related to background checks in sections 192.2490 and 192.2495.</p> <p>I further attest that all documents and information required by the Department of Health and Senior Services to be provided pursuant to this application are true and correct to the best of my knowledge and belief, that the statements contained in this application and any attached information are true and correct to the best of my knowledge and belief, and that all required documents are either included with the application or are currently on file with the Department of Health and Senior Services. I understand that if it is determined by the Department of Health and Senior Services that the statements contained herein are not true and correct, the application may be denied and any registration issued based on the application may be revoked.</p> <p>I further attest that I have the express authority to sign this application on behalf of the owner and operator.</p> <p>My signature attests to the truth and accuracy of the foregoing attestations.</p>	
Authorized Signature of Agency	Telephone Number
Printed or Typed Name and title of Signatory	Telephone Number
<p>Subscribed and sworn to before me this _____ of _____. I am commissioned as a notary public within the (DAY) (MONTH, YEAR)</p> <p>County of _____, State of _____, and my commission expires on _____. (NAME OF COUNTY) (NAME OF STATE) (DATE)</p> <p>_____ Signature of Notary</p> <p>_____ Date</p>	

AUTHORITY: section 198.648, RSMo Supp. 2022. Original rule filed Feb. 8, 2023.

PUBLIC COST: This proposed rule is estimated to cost state agencies or political subdivisions at least two hundred eighteen thousand four hundred seven dollars (\$218,407) in the first year period and two hundred thousand four hundred sixty-six dollars (\$200,466) to two hundred five thousand three hundred eighty-nine dollars (\$205,389) annually thereafter.

PRIVATE COST: This proposed rule is estimated to cost private entities between seventy-nine thousand two hundred sixty dollars (\$79,260) and \$31,704,000 per registered agency, annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Alison Dorge, Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102, or via email at Alison.Dorge@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: 19 CSR 30-105.030**

Rule Number and Title:	19 CSR 30-105.030 Procedures and Requirements for Registration of a Supplemental Health Care Services Agency
Type of Rulemaking:	Proposed

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health & Senior Services' costs =	\$218,407 for the first year period and between \$200,466 and \$205,389 annually thereafter

III. WORKSHEET

One-Half Regulatory Compliance Manager (Full salary \$77,000/2 = \$38,500)

One quarter (1/4) of one half (1/2) FTE with an annual salary of \$9,625 and with estimated fringe benefits of \$2,695.

One quarter (1/4) of One-Time First Year expense (computer, office, furniture etc.) for one half FTE listed above - \$671

One quarter (1/4) of Ongoing expenses (including travel, office supplies, network, printing, etc.) for one half FTE - \$1,911

\$9,625 (salary) + \$2,695 (fringe benefits) + \$1,911 (ongoing expenses) = \$14,231 + \$671 (one-time first year expense) = \$14,902 for the first year period.

\$9,866 (salary with 2.5% COLA increase) + \$2,762 (fringe benefits with 2.5% COLA increase) + \$1,959 (ongoing expenses with 2.5% COLA increase) = \$14,587 year 2.

\$10,113 (salary with 2.5% COLA increase) + \$2,831 (fringe benefits with 2.5% COLA increase) + \$2,008 (ongoing expenses with 2.5% COLA increase) = \$14,952 year 3.

Two Senior Regulatory Auditors

Two (2) FTE's with an annual salary of \$100,240 and with estimated fringe benefits of \$28,608.

One-Time First Year expense (computer, office, furniture etc.) for two (2) FTEs listed above - \$10,731

Ongoing expenses (including travel, office supplies, network, printing, etc.) for two (2) FTEs - \$30,583

$\$100,240$ (salary) + $\$28,608$ (fringe benefits) + $\$30,583$ (ongoing expenses) = $\$159,431$ + $\$10,731$ (one-time first year expense) = $\$170,162$ for the first year period.

$\$102,746$ (salary with 2.5% COLA increase) + $\$29,323$ (fringe benefits with 2.5% COLA increase) + $\$31,348$ (ongoing expenses with 2.5% COLA increase) = $\$163,417$ year 2.

$\$105,315$ (salary with 2.5% COLA increase) + $\$30,056$ (fringe benefits with 2.5% COLA increase) + $\$32,132$ (ongoing expenses with 2.5% COLA increase) = $\$167,503$ year 3.

One Public Health Program Specialist

One quarter (1/4) of one (1) FTE with an annual salary of \$11,399 and with estimated fringe benefits of \$3,192.

One-Time First Year expense (computer, office, furniture etc.) for one quarter (1/4) of one (1) FTE listed above - \$1,342

On-going expenses (including travel, office supplies, network, printing, etc.) for one quarter (1/4) of one (1) FTE- \$3,822

$\$11,399$ (salary) + $\$3,192$ (fringe benefits) + $\$3,822$ (ongoing expenses) = $\$18,413$ + $\$1,342$ (one-time first year expense) = $\$19,755$ for the first year period.

$\$11,684$ (salary with 2.5% COLA increase) + $\$3,272$ (fringe benefits with 2.5% COLA increase) + $\$3,918$ (ongoing expenses with 2.5% COLA increase) = $\$18,874$ for year 2.

$\$11,976$ (salary with 2.5% COLA increase) + $\$3,354$ (fringe benefits with 2.5% COLA increase) + $\$4,016$ (ongoing expenses with 2.5% COLA increase) = $\$19,346$ for year 3.

Registration Database Contract

Estimated One-Time contract cost of \$10,000 for application creation and set up.
Estimated annual license fee per user \$598 (6 staff x \$598 = \$3,588 per year)

$\$10,000 + \$3,588 = \$13,588$ for the first year period.
 $\$3,588$ annually thereafter

IV. ASSUMPTIONS

In order to process the registration applications and application review described in this proposed rule, the department will need one half (1/2) of a Regulatory Compliance Manager and one (1) Public Health Program Specialist, which both will also perform other duties not covered by this proposed rule, and two (2) of four (4) Senior Regulatory

Auditors. The other two (2) Senior Regulatory Auditors will perform other duties not covered by this proposed rule.

The department will require a registration storage database. The cost of contracting with such an entity is unknown, but based on research of similar projects conducted in other states, the cost is estimated to be \$10,000 with an annual license fee per user at \$598.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Health and Senior Services**
Division Title: Division of Regulation and Licensure
Chapter Title: 19 CSR 30-105.030

Rule Number and Title:	19 CSR 30-105.030 Procedures and Requirements for Registration of a Supplemental Health Care Services Agency
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
600 registered agencies with staffing ranging from:	Agency registering (initial or renewal) with DHSS as a supplemental health care services agency	Annual costs below based per 1 agency depending on # of staff
10 staff		\$79,260 annually
350 staff		\$2,774,100 annually
4,000 staff		\$31,704,000 annually

III. WORKSHEET

Costs for each registered agency:

Worker's Compensation rate for long-term care facilities and hospitals is estimated \$2,225 per staff, annually.

10 staff	\$2,225 per staff	\$22,250 per year
350 staff	\$2,225 per staff	\$778,750 per year
4,000 staff	\$2,225 per staff	\$8,900,000 per year

Medical malpractice average cost is estimated \$125 per healthcare position, annually.

10 staff	\$125 per staff	\$1,250 per year
350 staff	\$125 per staff	\$43,750 per year
4,000 staff	\$125 per staff	\$500,000 per year

Financial responsibility of documenting at least four weeks of back wages per employee by establishing and maintaining an escrow account consisting of cash or assets eligible for deposit; or obtaining and maintaining an unexpired irrevocable letter of credit established is estimated to be an average of \$5,576 per staff, annually.

10 staff	\$5,576 per staff	\$55,760 per year
350 staff	\$5,576 per staff	\$1,951,600 per year
4,000 staff	\$5,576 per staff	\$22,304,000 per year

IV.
V.
VI.

VII. ASSUMPTIONS

The Department is estimating zero to 600 agencies to register with the department as a supplemental health care services agency.

Department of Health and Senior Services is unsure of the number of staff each supplemental health care services agency employs/contracts. However, we have spoken with people in the industry who place staff in hospitals and health facilities, and they indicated to us that some agencies place as few as 10 staff persons, while larger agencies place up to 4,000 staff persons. Additionally, we collected data from people in the industry regarding common contracted health care positions (CNA, RN etc.) and low-high hourly rates to determine an average wage for back wages per employee. Based on that, we have made estimates based on small agencies, medium-sized agencies, and larger agencies. The department's estimates are also based on data from other states that have similar laws to our new law. Based on demographic characteristics of these states, we have estimated the impact on Missouri.

Annual cost per agency for Worker's Compensation Insurance, Medical Malpractice Insurance, and Financial Responsibility for staffing ranges of:	
10 staff	\$79,260 annually
350 staff	\$2,774,100 annually
4,000 staff	\$31,704,000 annually

**TITLE 19 – DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30 – Division of Regulation and Licensure
Chapter 105 – Supplemental Health Care Services
Agency**

PROPOSED RULE

**19 CSR 30-105.040 Requirements for Changes to a Registered
Agency**

PURPOSE: This rule outlines requirements for changes to an issued registration of a supplemental health care services agency in Missouri.

(1) A registered agency shall notify the department of any change in ownership or operator within thirty (30) days of the change. This includes the addition or removal of any owners, operators, or controlling persons. The registration shall be void and the new owner and/or operator shall apply for a new registration and pay the required fee. The date issued on the new registration shall be the effective date when the change of ownership or operator occurred.

(A) A registered agency which is a partnership, limited partnership, limited liability company, or corporation that undergoes any of the following changes, or a new corporation, partnership, limited partnership, limited liability company, or other entity assumes operation of an agency whether by one (1) or by more than one (1) action shall apply for a new registration:

1. With respect to a partnership, a change in the majority interest of general partners;
2. With respect to a limited partnership, a change in the general partner or in the majority interest of limited partners;
3. With respect to a limited liability company, a change in any manager or in the majority interest of members; and
4. With respect to a corporation, a change in the persons who own, hold, or have the power to vote the majority of any class of securities issued by the corporation.

(2) An agency shall notify the department of any change in agency name, address, phone number, fax number, email address, and/or responsible contact person information by completing and submitting a *Changes to a Registered Agency* form, included herein, to the department. Any change of owner or operator will require a new initial application and payment of the required fee.



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
DIVISION OF REGULATION AND LICENSURE
SUPPLEMENTAL HEALTH CARE SERVICES AGENCY
CHANGES TO A REGISTERED AGENCY FORM

Only fill out sections related to the necessary agency changes.

AGENCY REGISTRATION NUMBER			
CURRENT REGISTERED AGENCY NAME			
NEW REGISTERED AGENCY NAME (if changing name)			
CURRENT REGISTERED BUSINESS PHYSICAL ADDRESS		CITY	STATE
NEW BUSINESS PHYSICAL ADDRESS (if changing address)		CITY	STATE
*Additional documentation and information may be required		CITY	STATE
CURRENT REGISTERED BUSINESS MAILING ADDRESS		CITY	STATE
NEW BUSINESS MAILING ADDRESS (if changing address)		CITY	STATE
<input type="checkbox"/> Same as physical address		CITY	STATE
NEW AGENCY TELEPHONE NUMBER (if changing number)		NEW AGENCY FAX NUMBER (if changing fax number)	
NEW OR ADDITIONAL AGENCY EMAIL ADDRESS (if changing or adding an email address. Also, indicate if a current email address should be removed)			
NEW RESPONSIBLE CONTACT PERSON (if changing contact person)		NEW RESPONSIBLE CONTACT PERSON EMAIL AND PHONE NUMBER (if different from registered Agency)	
REASON FOR CHANGES LISTED ABOVE:			
RESPONSIBLE CONTACT PERSON NAME			
SIGNATURE		DATE	

AUTHORITY: section 198.648, RSMo Supp. 2022. Original rule filed Feb. 8, 2023.

PUBLIC COST: This proposed rule is estimated to cost state agencies or political subdivisions at least thirty-four thousand six hundred fifty-seven dollars (\$34,657) for the first year period and thirty-three thousand four hundred sixty-one dollars (\$33,461) to thirty-four thousand two hundred ninety-eight dollars (\$34,298) annually thereafter.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Alison Dorge, Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102, or via email at Alison.Dorge@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: 19 CSR 30-105.040**

Rule Number and Title:	19 CSR 30-105.040 Requirements for changes to a registered agency
Type of Rulemaking:	Proposed

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health & Senior Services' costs =	\$34,657 for the first year period and \$33,461 to \$34,298 annually thereafter

III. WORKSHEET

One-Half Regulatory Compliance Manager (Full salary \$77,000/2 = \$38,500)

One quarter (1/4) of one half (1/2) FTE with an annual salary of \$9,625 and with estimated fringe benefits of \$2,695.

One quarter (1/4) of One-Time First Year expense (computer, office, furniture etc.) for one half FTE listed above - \$671

One quarter (1/4) of Ongoing expenses (including travel, office supplies, network, printing, etc.) for one half FTE - \$1,911

\$9,625 (salary) + \$2,695 (fringe benefits) + \$1,911 (ongoing expenses) = \$14,231 + \$671 (one-time first year expense) = \$14,902 for the first year period.

\$9,866 (salary with 2.5% COLA increase) + \$2,762 (fringe benefits with 2.5% COLA increase) + \$1,959 (ongoing expenses with 2.5% COLA increase) = \$14,587 year 2.

\$10,113 (salary with 2.5% COLA increase) + \$2,831 (fringe benefits with 2.5% COLA increase) + \$2,008 (ongoing expenses with 2.5% COLA increase) = \$14,952 year 3.

One Public Health Program Specialist

One quarter (1/4) of one (1) FTE with an annual salary of \$11,399 and with estimated fringe benefits of \$3,192.

One-Time First Year expense (computer, office, furniture etc.) for one quarter (1/4) of one (1) FTE listed above - \$1,342

On-going expenses (including travel, office supplies, network, printing, etc.) for one quarter (1/4) of one (1) FTE- \$3,822

$\$11,399$ (salary) + $\$3,192$ (fringe benefits) + $\$3,822$ (ongoing expenses) = $\$18,413$ + $\$1,342$ (one-time first year expense) = $\$19,755$ for the first year period.

$\$11,684$ (salary with 2.5% COLA increase) + $\$3,272$ (fringe benefits with 2.5% COLA increase) + $\$3,918$ (ongoing expenses with 2.5% COLA increase) = $\$18,874$ for year 2.

$\$11,976$ (salary with 2.5% COLA increase) + $\$3,354$ (fringe benefits with 2.5% COLA increase) + $\$4,016$ (ongoing expenses with 2.5% COLA increase) = $\$19,346$ for year 3.

IV. ASSUMPTIONS

In order to process and review the changes to a registered agency described in this proposed rule, the department will need one half (1/2) of a Regulatory Compliance Manager and one (1) Public Health Program Specialist, which both will also perform other duties not covered by this proposed rule.

**TITLE 19 – DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30 – Division of Regulation and Licensure
Chapter 105 – Supplemental Health Care Services
Agency**

PROPOSED RULE

19 CSR 30-105.050 Inspections

PURPOSE: This rule outlines inspections, complaints, and requirements of a supplemental health care services agency.

(1) The department may conduct unannounced in-person or virtual registration or complaint inspection visits to an agency's office or records repository.

(2) An agency shall be available during the agency's regular operating hours and shall maintain and make immediately available the following business records for inspection by the department –

(A) Copies of articles and bylaws, if applicable;

(B) An individual file for each health care personnel including –

1. Personnel's name and address, Social Security number, and date of birth;

2. Documentation of each personnel's employment history, health, and medical records.

A. Personnel must have received the necessary testing and immunizations required or requested by each health care facility.

B. Drug screening of personnel must be performed before referral by the agency, if the health care facility requires drug screening of facility employees;

3. Evidence of the personnel's skills, qualifications, education, and training to demonstrate compliance with the provisions of section 198.644.1, RSMo;

4. Current copies of licenses, transcripts, certificates, or statements evidencing competency for the position held;

5. Two (2) or more references and documentation of two (2) or more reference checks of each personnel completed before referral by the agency;

6. Documentation of submission for background screening and background screening results pursuant to sections 192.2490 and 192.2495, RSMo; and

7. Copy of any good cause waiver, granted by the department, if applicable;

(C) Documentation of any complaints known to the agency involving any of its health care personnel and any follow-up action taken with respect to such complaints;

(D) Records documenting the work performed by each health care personnel including date of personnel referral by the agency and the dates and locations of each personnel placement. Copies of time records or invoices identifying the services provided are acceptable documentation for this requirement;

(E) Copies of any written employment contracts or other agreements entered into between the agency and each health care personnel. Such contract or agreement shall specifically and clearly advise if the personnel is an employee of the agency or is an independent contractor referred by the agency. If the personnel is retained as an independent contractor, the contract or agreement shall specifically state that the independent contractor is responsible for paying federal income taxes. Prior to placement in a health care facility, the agency shall provide a document to each health care personnel, for his or her signature, which states that the personnel

understands his or her relationship with the agency, either as an employee or independent contractor. The signed document shall be filed in each personnel's file;

(F) Copies of records required by the United States Internal Revenue Services to be prepared by the agency for each personnel or independent contractor;

(G) Documentation to verify each personnel's employment eligibility in compliance with the immigration laws of the United States;

(H) Copies of contracts, if any, between an agency and a health care facility setting forth terms and conditions under which the agency will provide specific health services staff to the facility. Such contracts shall state whether the staff provided by the agency are referred as employees of the agency or as independent contractors;

(I) Most recently released annual or quarterly financial reports;

(J) Evidence of medical malpractice insurance (professional liability insurance is acceptable);

(K) Evidence of employee dishonesty bond in the amount of ten thousand dollars (\$10,000); and

(L) Evidence of current worker's compensation coverage as required by Chapter 287, RSMo, or if the personnel provided are independent contractors, maintain evidence of occupational accident insurance.

(3) Agencies shall retain personnel records for at least ten (10) years following termination of employment or independent contractor relationship from the agency.

(4) The agency shall make all records requested by the department immediately available.

(5) Personnel of an agency who report potential violations by an agency to the department may not be subjected to retaliation of any kind, including termination, demotion, or other adverse employment action as a result of their report.

(6) If statutory or regulatory violations are identified by the department during an inspection or investigation, the department shall provide a report of findings and violation(s) to the agency.

(A) The agency shall then submit to the department a plan of correction for the identified violations within thirty (30) days of the receipt of the report of findings and violation(s), unless an alternative time frame is required or approved by the department in writing.

(B) Upon the department's acceptance of the agency's plan of correction, the department may conduct an unannounced follow-up inspection or off-site review to verify correction of deficiencies at any time.

(C) If the violations are not corrected within the required time frame, the department may suspend or revoke the agency's registration.

AUTHORITY: section 198.648, RSMo Supp. 2022. Original rule filed Feb. 8, 2023.

PUBLIC COST: This proposed rule is estimated to cost state agencies or political subdivisions at least two hundred four thousand eight hundred nineteen dollars (\$204,819) in the first year period and one hundred ninety-six thousand eight hundred seventy-eight dollars (\$196,878) to two hundred one thousand eight hundred one dollars (\$201,801) annually thereafter.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Alison Dorge, Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102, or via email at Alison.Dorge@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: 19 CSR 30-105.050**

Rule Number and Title:	19 CSR 30-105.050 Inspections
Type of Rulemaking:	Proposed

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health & Senior Services' costs =	\$204,819 for the first year period and between \$196,878 and \$201,801 annually thereafter

III. WORKSHEET

One-Half Regulatory Compliance Manager (Full salary \$77,000/2 = \$38,500)

One quarter (1/4) of one half (1/2) FTE with an annual salary of \$9,625 and with estimated fringe benefits of \$2,695.

One quarter (1/4) of One-Time First Year expense (computer, office, furniture etc.) for one half FTE listed above - \$671

One quarter (1/4) of Ongoing expenses (including travel, office supplies, network, printing, etc.) for one half FTE - \$1,911

\$9,625 (salary) + \$2,695 (fringe benefits) + \$1,911 (ongoing expenses) = \$14,231 + \$671 (one-time first year expense) = \$14,902 for the first year period.

\$9,866 (salary with 2.5% COLA increase) + \$2,762 (fringe benefits with 2.5% COLA increase) + \$1,959 (ongoing expenses with 2.5% COLA increase) = \$14,587 year 2.

\$10,113 (salary with 2.5% COLA increase) + \$2,831 (fringe benefits with 2.5% COLA increase) + \$2,008 (ongoing expenses with 2.5% COLA increase) = \$14,952 year 3.

Two Senior Regulatory Auditors

Two (2) FTE's with an annual salary of \$100,240 and with estimated fringe benefits of \$28,608.

One-Time First Year expense (computer, office, furniture etc.) for two (2) FTEs listed above - \$10,731

Ongoing expenses (including travel, office supplies, network, printing, etc.) for two (2) FTEs - \$30,583

\$100,240 (salary) + \$28,608 (fringe benefits) + \$30,583 (ongoing expenses) = \$159,431 + \$10,731 (one-time first year expense) = \$170,162 for the first year period.

\$102,746 (salary with 2.5% COLA increase) + \$29,323 (fringe benefits with 2.5% COLA increase) + \$31,348 (ongoing expenses with 2.5% COLA increase) = \$163,417 year 2.

\$105,315 (salary with 2.5% COLA increase) + \$30,056 (fringe benefits with 2.5% COLA increase) + \$32,132 (ongoing expenses with 2.5% COLA increase) = \$167,503 year 3.

One Public Health Program Specialist

One quarter (1/4) of one (1) FTE with an annual salary of \$11,399 and with estimated fringe benefits of \$3,192.

One-Time First Year expense (computer, office, furniture etc.) for one quarter (1/4) of one (1) FTE listed above - \$1,342

On-going expenses (including travel, office supplies, network, printing, etc.) for one quarter (1/4) of one (1) FTE- \$3,822

\$11,399 (salary) + \$3,192 (fringe benefits) + \$3,822 (ongoing expenses) = \$18,413 + \$1,342 (one-time first year expense) = \$19,755 for the first year period.

\$11,684 (salary with 2.5% COLA increase) + \$3,272 (fringe benefits with 2.5% COLA increase) + \$3,918 (ongoing expenses with 2.5% COLA increase) = \$18,874 for year 2.

\$11,976 (salary with 2.5% COLA increase) + \$3,354 (fringe benefits with 2.5% COLA increase) + \$4,016 (ongoing expenses with 2.5% COLA increase) = \$19,346 for year 3.

IV. ASSUMPTIONS

In order to oversee the inspection and complaint process described in this proposed rule, the department will need one half (1/2) of a Regulatory Compliance Manager, who will also perform other duties not covered by this proposed rule. Additionally, to coordinate and conduct inspections described in this proposed rule, the department will need two (2) of four (4) Senior Regulatory Auditors, and one (1) Public Health Program Specialist who will also perform other duties not covered by this proposed rule. The other two (2) Senior Regulatory Auditors will perform other duties not covered by this proposed rule.

**TITLE 19 – DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30 – Division of Regulation and Licensure
Chapter 105 – Supplemental Health Care Services
Agency**

PROPOSED RULE

**19 CSR 30-105.060 Denial, Suspension, or Revocation of
Registration**

PURPOSE: This rule specifies the process of denial or revocation of a registration of a supplemental health care services agency in Missouri.

(1) Any agency whose registration has been denied, suspended, or revoked by the department may seek a review of the department's actions by the Administrative Hearing Commission.

(2) If an agency is notified of a registration denial or revocation due to noncompliance with sections 198.640 to 198.648, RSMo, the owner and operator shall not be eligible to apply for or receive a registration for five (5) years following the date of denial or revocation.

(3) For contracts entered into on or after August 28, 2022, if the contract between an agency and health care personnel or a health care facility requires the payment of liquidated damages, employment fees, or other compensation should the health care personnel be hired as a permanent employee of a health care facility, the agency's registration shall be subject to revocation or nonrenewal of its registration.

(4) If an agency fails to provide any of the items required in section four (4) of 19 CSR 30-105.030 within ten (10) business days of the department's written request, the department shall immediately suspend or refuse to issue the agency's registration.

(5) If the department revokes, fails to renew, or immediately suspends an agency's registration, the agency shall –

(A) Immediately stop referring personnel to health care facilities; and

(B) Notify health care facilities where personnel are currently referred or contracted that the agency no longer has a valid operating registration.

AUTHORITY: section 198.648, RSMo Supp. 2022. Original rule filed Feb. 8, 2023.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Alison Dorge, Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102, or via email at Alison.Dorge@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**TITLE 19 – DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30 – Division of Regulation and Licensure
Chapter 105 – Supplemental Health Care Services
Agency**

PROPOSED RULE

**19 CSR 30-105.070 Quarterly Rate and Charge Reporting
Requirements**

PURPOSE: This rule specifies the quarterly rate and charge reporting requirements of a supplemental health care services agency in Missouri.

(1) Any registered supplemental health care services agency that contracts with a health care facility that participates in Medicare or Medicaid shall submit the following report every quarter to the department:

(A) A detailed list of each health care facility participating in Medicare or Medicaid with whom the agency has contracted over the prior quarter;

(B) A detailed list of the average amount charged by the agency to the health care facility over the prior quarter, broken down by health care facility and each individual health care personnel within each job classification (including but not limited to nursing, therapy, dietary/nutrition, lab, and radiology); and

(C) A detailed list of the average amount paid by the agency to health care personnel over the prior quarter, broken down by health care facility and each individual health care personnel within each job classification, including but not limited to nursing, therapy, dietary/nutrition, lab, and radiology.

(2) The required submission dates shall be as follows:

(A) The quarterly report containing data from January 1 through March 31 shall be submitted no later than April 15;

(B) The quarterly report containing data from April 1 through June 30 shall be submitted no later than July 15;

(C) The quarterly report containing data from July 1 through September 30 shall be submitted no later than October 15; and

(D) The quarterly report containing data from October 1 through December 31 shall be submitted no later than January 15.

(3) Health care personnel to be reported shall include all positions that are licensed, accredited, or certified by the state of Missouri to perform specified health services consistent with state law.

(4) Failure of the agency to provide any of this information to the department shall result in revocation or nonrenewal of its registration.

AUTHORITY: section 198.648, RSMo Supp. 2022. Original rule filed Feb. 8, 2023.

PUBLIC COST: This proposed rule is estimated to cost state agencies or political subdivisions at least thirty-four thousand six hundred fifty-seven dollars (\$34,657) in the first year period and thirty-three thousand four hundred sixty-one dollars (\$33,461) to thirty-four thousand two hundred ninety-eight dollars (\$34,298) annually thereafter.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Alison Dorge, Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102, or via email at Alison.Dorge@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: 19 CSR 30-105.070**

Rule Number and Title:	19 CSR 30-105.070 Quarterly rate and charge reporting requirements
Type of Rulemaking:	Proposed

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health & Senior Services' costs =	\$34,657 for the first year period and \$33,461 to \$34,298 annually thereafter

III. WORKSHEET

One-Half Regulatory Compliance Manager (Full salary \$77,000/2 = \$38,500)

One quarter (1/4) of one half (1/2) FTE with an annual salary of \$9,625 and with estimated fringe benefits of \$2,695.

One quarter (1/4) of One-Time First Year expense (computer, office, furniture etc.) for one half FTE listed above - \$671

One quarter (1/4) of Ongoing expenses (including travel, office supplies, network, printing, etc.) for one half FTE - \$1,911

\$9,625 (salary) + \$2,695 (fringe benefits) + \$1,911 (ongoing expenses) = \$14,231 + \$671 (one-time first year expense) = \$14,902 for the first year period.

\$9,866 (salary with 2.5% COLA increase) + \$2,762 (fringe benefits with 2.5% COLA increase) + \$1,959 (ongoing expenses with 2.5% COLA increase) = \$14,587 year 2.

\$10,113 (salary with 2.5% COLA increase) + \$2,831 (fringe benefits with 2.5% COLA increase) + \$2,008 (ongoing expenses with 2.5% COLA increase) = \$14,952 year 3.

One Public Health Program Specialist

One quarter (1/4) of one (1) FTE with an annual salary of \$11,399 and with estimated fringe benefits of \$3,192.

One-Time First Year expense (computer, office, furniture etc.) for one quarter (1/4) of one (1) FTE listed above - \$1,342

On-going expenses (including travel, office supplies, network, printing, etc.) for one quarter (1/4) of one (1) FTE- \$3,822

$\$11,399$ (salary) + $\$3,192$ (fringe benefits) + $\$3,822$ (ongoing expenses) = $\$18,413$ + $\$1,342$ (one-time first year expense) = $\$19,755$ for the first year period.

$\$11,684$ (salary with 2.5% COLA increase) + $\$3,272$ (fringe benefits with 2.5% COLA increase) + $\$3,918$ (ongoing expenses with 2.5% COLA increase) = $\$18,874$ for year 2.

$\$11,976$ (salary with 2.5% COLA increase) + $\$3,354$ (fringe benefits with 2.5% COLA increase) + $\$4,016$ (ongoing expenses with 2.5% COLA increase) = $\$19,346$ for year 3.

IV. ASSUMPTIONS

In order to review and process the charges submitted by the supplemental health care service agency's on a quarterly basis described in this proposed rule, the department will need one half (1/2) of a Regulatory Compliance Manager and one (1) Public Health Program Specialist, which both will also perform other duties not covered by this proposed rule.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted that has been changed from the text contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments that are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 11 – Wildlife Code: Special Regulations for
Department Areas

ORDER OF RULEMAKING

By authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-11.210 is amended.

This rule establishes limits for black bass and is exempted by sections 536.021, RSMo 2016, from the requirements for filing as an order amendment.

The Department of Conservation amended 3 CSR 10-11.210 by adding DiSalvo (Carl) Lake (Bismarck Conservation Area) to the list of department areas or individually named lakes where the daily limit of black bass shall be two (2).

3 CSR 10-11.210 Fishing, Daily and Possession Limits

(2) The daily limit for black bass shall be two (2) on the following department areas or individually named lakes:

- (I) DiSalvo (Carl) Lake (Bismarck Conservation Area)
- (J) Happy Holler Lake Conservation Area
- (K) Hartell (Ronald and Maude) Conservation Area
- (L) Kearns (J. N. "Turkey") Memorial Wildlife Area
- (M) Lake Paho Conservation Area
- (N) Lone Jack Lake Conservation Area

- (O) Maple Leaf Lake Conservation Area
- (P) Port Hudson Lake Conservation Area
- (Q) Reed (James A.) Memorial Wildlife Area
- (R) Schell Lake (Schell-Osage Conservation Area)
- (S) Weldon Spring Conservation Area

This amendment filed Feb. 10, 2023, effective Feb. 28, 2023.

TITLE 4 – DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 80 – Economic Development Programs
Chapter 6 – Capital Access Program

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 620.1066, RSMo 2016, the department rescinds a rule as follows:

4 CSR 80-6.010 Businesses and Activities Ineligible for Capital Access Program Assistance is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2022 (47 MoReg 1709). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 4 – DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 85 – Division of Business and Community
Services
Chapter 1 – Organizational Structure

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 536.023, RSMo 2016, the department rescinds a rule as follows:

4 CSR 85-1.010 General Organization is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2022 (47 MoReg 1709). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 4 – DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 85 – Division of Business and Community
Services
Chapter 3 – Enterprise Zone Program

ORDER OF RULEMAKING

By the authority vested in the Department of Economic

Development under section 135.250, RSMo 2016, the department rescinds a rule as follows:

4 CSR 85-3.010 Enterprise Zone Program is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2022 (47 MoReg 1709-1710). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 85 – Division of Business and Community Services

Chapter 3 – Enterprise Zone Program

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 135.250, RSMo 2016, the department rescinds a rule as follows:

4 CSR 85-3.020 The Application Process is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2022 (47 MoReg 1710). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 85 – Division of Business and Community Services

Chapter 3 – Enterprise Zone Program

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 135.250, RSMo 2016, the department rescinds a rule as follows:

4 CSR 85-3.030 Designation is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2022 (47 MoReg 1710). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 85 – Division of Business and Community Services

Chapter 3 – Enterprise Zone Program

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 135.250, RSMo 2016, the department rescinds a rule as follows:

4 CSR 85-3.040 Complaints is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2022 (47 MoReg 1710-1711). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 85 – Division of Business and Community Services

Chapter 3 – Enterprise Zone Program

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 135.250, RSMo 2016, the department rescinds a rule as follows:

4 CSR 85-3.050 Withdrawal of Approval is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2022 (47 MoReg 1711). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 260 – Division of Savings and Loan Supervision

Chapter 1 – Introduction

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 369.299, RSMo 2016, the department rescinds a rule as follows:

4 CSR 260-1.010 Description of Organization is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2022 (47 MoReg 1711). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 5 – DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 25 – Office of Childhood
Chapter 100 – Early Childhood Development**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under sections 160.900-160.925, 161.092, and 376.1218, RSMo 2016, the board amends a rule as follows:

5 CSR 25-100.120 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2022 (47 MoReg 1573-1575). Those sections with changes are reprinted here, and the material incorporated by reference has been changed. This proposed amendment becomes effective thirty (30) days after the publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Elementary and Secondary Education (department) held public hearings on this proposed amendment on November 10, November 22, and December 6, 2022. Written public comment was accepted from November 1 through December 1, 2022. Two hundred twenty-eight (228) comments, collected from the public hearings combined with written public comments received by email during the public comment period, were made on the proposed amendment.

Agency Note: Due to the volume of comments received relating to 5 CSR 25-100.120 Individuals with Disabilities Education Act, Part C, and the material incorporated by reference, the department is unable to publish a list of all of the individuals commenting on this rule. The department maintains a copy of all individual comments, which is available upon request. Requests should be made to the Custodian of Records, Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480.

COMMENT #1: The department received one hundred sixty-three (163) comments from thirty-seven (37) individuals on the Missouri State Plan for the IDEA, Part C (State Plan), which is incorporated by reference in this rule, regarding how the Provider Rate Schedule for First Steps Early Intervention (EI) services should be determined. Thirty-seven (37) of the comments stated that the Provider Rate Schedule for First Steps is unacceptable and requested that all professionals on the Early Intervention Teams (EITs) be placed on an equal pay scale, because all services should be valued at the same rate, and the rate for evaluations could be lowered. Thirty-two (32) of the comments indicated that the unequal pay structure is causing a lack of cohesiveness among EITs, that Special Instructors feel that their work is not valued as much as licensed therapists, and Occupational Therapists (OT) are not as valued as Physical Therapists (PT). Twenty-eight (28) of the comments requested that, because First Steps is an educational model rather than a medical model, the pay scale table for all providers be created that is based on both educational levels and years of experience. Twenty-six (26) of the comments indicated that for future provider rate increases the state should include stakeholders by forming a committee, review bordering states' pay rates, utilize school district rate structure, and consider the cost for initial enrollment and continuing education for each discipline. Ten (10) of the comments indicated that as a result of the rate change families and providers are losing trust in the First Steps EI system. Ten (10) of the comments stated appreciation of the money allocated for provider pay increases.

Eight (8) of the comments requested clarification as to the process for determining allotment of pay increases across disciplines with the emphasis on level of degree attained to determine the monetary value for provider services. Eight (8) of the comments indicated that it would be difficult to recruit and retain practitioners and clinicians in early intervention without equal pay, given the fact that most providers are contractors who do not receive insurance, retirement, and benefits. Two (2) of the comments agreed with the decision to remove the pay rate for providers from the State Plan. Two (2) of the comments suggested that Behavior Analysts should receive the same pay rate as other licensed and board-certified providers, and Registered Behavior Technicians (RBTs) should be paid at a higher rate, similar to Certified Occupational Therapy Assistants (COTAs) and Speech Language Pathologist Assistants (SLPAs).

RESPONSE: The department appreciates the number of comments received concerning the rates for First Steps. However, the amendment reflects changes to the Missouri State Plan for the IDEA, Part C (State Plan), which is incorporated by reference in this rule, not the establishment of a specific rate. Establishing provider rates is part of the budget process and separate from the rulemaking process. Removing the Provider Rate Schedule from the State Plan permits greater flexibility to adjust rates as the annual state budget for the program permits. No changes have been made to the State Plan as a result of these comments.

COMMENT #2: Niki Clover, System Point of Entry (SPOE) Director, commented agreeing with the decision to remove specific training module numbers in the State Plan in the hopes that providers will be required to take all training modules in the future.

RESPONSE: No changes have been made to the State Plan as a result of this comment.

COMMENT #3: Niki Clover, SPOE Director, commented agreeing with the decision to change wording to "completion of EI Examiner training sponsored by the department" in the State Plan. Clarification was requested as to if the State Plan needed to indicate providers engage in ongoing training.

RESPONSE AND EXPLANATION OF CHANGE: The department has added the word "ongoing" to the Personnel Standards section of the State Plan to read, "Providers must periodically renew the service provider agreement and complete ongoing training as determined by the Department."

COMMENT #4: Niki Clover, SPOE Director, commented the State Plan should indicate that all EI Examiners must be a member of an EIT.

RESPONSE AND EXPLANATION OF CHANGE: In accordance with the SPOE contract requirements, EI examiners are identified by the SPOE. The Personnel Standards section for EI Examiner in the State Plan has been revised for clarity to read, "Current Enrolled Provider identified by the SPOE, Completion of EI Examiner training sponsored by the Department, First Steps Modules" and "Designation as an EI Examiner in the Public Directory."

COMMENT #5: The department received five (5) comments from two (2) individuals on the State Plan that state experienced Applied Behavior Analysis (ABA) consultants who do not have board certification or licensure should be grandfathered in on the provider rate schedule. One (1) of these two (2) comments requested adding continuing education that aligns with the principles of behavior analysis for these individuals. One (1) comment requested clarification as to whether or not certifications (e.g., Early Start Denver Model)

would be considered with the proposed changes for the ABA Consultant role. One (1) comment expressed appreciation for recognizing board-certified Behavior Analysts that are licensed. One (1) comment agreed that non-certified/licensed ABA providers should not be permitted to practice behavior analysis without supervision. One (1) comment suggested prioritizing partnerships with existing autism agencies to take into account professionals with credentials and advanced training in autism-specific interventions who do not hold state licensure in behavior analysis. The comment went on to explain that without recognizing these individuals, an agency's ability to continue to serve as an ancillary provider with First Steps would be severely limited due to more restrictions on authorization usage amongst the team and many children would go without access to services. The commenter requested that an addition be made to Personnel Standards for Behavior Analysts to include skill acquisition as a primary teaching objective of behavioral services. This comment went on to suggest this would reshape the perception of the role of behavioral services for children and families with autism and encourage all professionals to advocate for behavioral services as a default and preemptive strategy to build skills, rather than a final attempt progress or reactive responses to maladaptive behaviors.

RESPONSE: The proposed Personnel Standards in the State Plan provides a new provider type for licensed Behavior Analysts and Assistant Behavior Analysts, which aligns with the professional standards for licensed Behavior Analysts and Assistant Behavior Analysts. No changes have been made to the State Plan as a result of these comments.

COMMENT #6: Gloria Burton, First Steps Provider, requested the use of the term "Registered Behavior Technician certification" rather than "Registered Behavior Technician registration" in the State Plan.

RESPONSE AND EXPLANATION OF CHANGE: The department has revised the Personnel Standards section for Registered Behavior Technician in the State Plan to read, "Registered Behavior Technician certification."

COMMENT #7: Gloria Burton, First Steps Provider, requested the use of the term "Assistant Behavior Analyst" rather than "Behavior Analyst Assistant" in the State Plan.

RESPONSE AND EXPLANATION OF CHANGE: The department has revised the Personnel Standards section for Behavior Analyst Assistant in the State Plan to read, "Assistant Behavior Analyst."

COMMENT #8: Based on its review, the Office of Childhood made one (1) comment to strike column four (4) for Parent Advisor in the Personnel Standards in the State Plan to align with the rest of the section.

RESPONSE AND EXPLANATION OF CHANGE: The department has deleted column four (4) in the Personnel Standards section for Parent Advisor in the State Plan.

COMMENT #9: The department received two (2) comments from two (2) individuals who requested clarification as to adding twelve (12) clock hours per calendar year of professional development for non-licensed/not certificated providers to the State Plan. One (1) comment further stated it would be beneficial for the following providers to be required to have ongoing training/professional development: Special Instruction, Parent Advisor, and Social Worker. The comment also included a series of logistic questions with regard to training. One (1) comment requested clarification as to who will determine what continuing education classes are appropriate for Special Instructors.

RESPONSE: The department is in the process of implementing a new professional development system. The new system will allow for a more streamlined and efficient way to track professional development for the early childhood workforce, including EI providers. No changes have been made to the State Plan as a result of these comments.

COMMENT #10: Niki Clover, SPOE Director, commented that some provider categories would not need additional training, including Translator, Paraprofessionals, and ABA Implementer-Registered Behavior Technician.

RESPONSE: The State Plan outlines the requirements for professional development hours for all non-licensed disciplines. No changes have been made to the State Plan as a result of this comment.

COMMENT #11: Niki Clover, SPOE Director, expressed concern that the specification of "one year" academic preparation in the State Plan might keep some providers, such as translators, from enrolling. The comment further stated some providers have lived in another country and are fluent in the native language but would be excluded from this because they may not have academic preparation or job-related experience.

RESPONSE: The establishment of criteria ensures that appropriately trained and qualified personnel are providing EI services. The State Plan lists the educational qualifications and training requirements for each provider type. No changes have been made to the State Plan as a result of this comment.

COMMENT #12: Based on its review, the Office of Childhood recommended clarifying the educational qualifications and certifications for Orientation and Mobility Specialist in the State Plan.

RESPONSE AND EXPLANATION OF CHANGE: The department has revised the Personnel Standards for Orientation and Mobility Specialist in the State Plan to read, "Bachelor's Degree or higher with specialization in orientation and mobility, teaching the blind and visually impaired, rehabilitation teaching, special education, occupational therapy, physical therapy, or closely related area" and "Certified by the Association for Education and Rehabilitation (AER) OR Academy for Certification of Vision Rehabilitation and Education Professionals (ACVREP) OR Current Orientation and Mobility services contract with Rehabilitation Services for the Blind OR Visually Impaired Certification by the State Board of Education."

COMMENT #13: The department received four (4) comments from two (2) individuals on the State Plan regarding the qualifications for Service Coordinators. One (1) comment requested to remove related areas from the three- (3-) year option for Service Coordinator qualifications from the State Plan due to having SPOE oversight. The comment further stated it is unclear if the proposed revisions in the State Plan would allow, for example, SLPs to be a Service Coordinator. Two (2) comments expressed support regarding the State Plan qualifications for Service Coordinators. One (1) comment asked for clarification as to why the master's degree was stricken, as sometimes candidates are interested in being Service Coordinators and their undergraduate degrees are outside of what is being proposed; however, their master's degree is within what is being proposed.

RESPONSE AND EXPLANATION OF CHANGE: The department has revised the Personnel Standards for Service Coordinator in the State Plan to read, "Bachelor's Degree or higher in one of the following areas with one year of documented experience working with families and young children:

- Early Childhood Special Education
- Early Childhood

- Elementary Education
- Special Education
- Child/Human Development
- Social Work
- Nursing
- Psychology
- Education Administration
- Sociology
- Family Science/Studies
- Counseling

Or Bachelor's Degree or higher with three (3) years of documented experience working with families and young children."

COMMENT #14: The department received seven (7) comments from five (5) individuals related to the personnel standards for Special Instructors in the State Plan. Two (2) comments requested to remove related areas for Special Instructor qualifications, as not everyone should be able to be a Special Instructor because it may "muddy the waters" if anyone who has a degree can become an Special Instructor. One (1) comment requested clarification regarding qualifications for the role of Special Instructor. One (1) comment stated that First Steps should be encouraging best practices, including educational degrees beyond a bachelor's degree. One (1) comment requested that all beginning EI providers with First Steps be required to have two (2) years of experience in the field of early intervention and/or working with children with special needs. One (1) comment expressed appreciation for requiring Special Instructors to do continuing education classes. Based on its review, the Office of Childhood made one (1) comment requesting to specify qualifications for Special Instructor to state "Bachelor's Degree or higher in one (1) of the following (with one year documented experience working with young children with disabilities 0-5 years old)" in the State Plan.

RESPONSE AND EXPLANATION OF CHANGE: The department has revised the Personnel Standards for Special Instructor in the State Plan to read, "Bachelor's Degree or higher in one of the following areas with one year of documented experience working with young children with disabilities 0-5 years old and their families:

- Child/Human Development
- Special Education
- Elementary Education
- Early Childhood
- Early Childhood Special Education
- Family Science/Studies

Or a Bachelor's Degree or higher in an education, psychology, counseling, or human services related field with three years documented experience working with young children with disabilities 0-5 years old and their families."

COMMENT #15: Trish Bahr, First Steps Provider, requested clarification in the State Plan as to whether Special Instructors will be considered licensed therapists, since they will be required to complete continuing education classes.

RESPONSE: Professional development hours are not the same as a license. No changes have been made to the State Plan as a result of this comment.

COMMENT #16: Amy Singer, First Steps Provider, requested clarification in the State Plan as to whether the criteria will be changed across the disciplines so that all providers will be required to share equally in the role of primary provider.

RESPONSE: The Personnel Standards in the State Plan address

the roles and responsibilities of each service provider type. No changes have been made to the State Plan as a result of this comment.

COMMENT #17: Based on its review, the Office of Childhood made one (1) comment on the State Plan to update terminology for the general educational development test (GED).

RESPONSE AND EXPLANATION OF CHANGE: The department has revised the Personnel Standards section of the State Plan to replace "High school diploma or GED" and "High school graduate or GED" with "High school diploma or equivalent" for the following provider types: RBT, Paraprofessional in early intervention, and Translator.

COMMENT #18: Based on its review, the Office of Childhood made one (1) comment on the State Plan to update educational qualifications for Social Worker to include degrees above a master's degree.

RESPONSE AND EXPLANATION OF CHANGE: The department has revised the Personnel Standards for Social Worker in the State Plan to read, "Master's Degree or higher in Social Work."

COMMENT #19: The department received thirteen (13) comments from eleven (11) individuals requesting that children birth to age three (3) with sickle cell disease (SCD) be considered automatically eligible for EI services in the State Plan due to the high incidence of developmental delay in this population, which would allow caregivers to provide proper support services. Two (2) of the comments further stated that early intervention is a critical factor in reducing the impact of lifelong cognitive deficits and developmental concerns that contribute to decreased academic achievement and high unemployment rates among individuals with SCD. Two (2) of the comments stated that individuals with SCD are frequently an underserved population who are less likely to receive therapies. One (1) comment requested reaching out to the experts in the field to include diagnoses that have been historically and presently excluded from EI services. Research submitted with this comment to the department stated, "The rate of developmental delay ranged from 17.5% to 50% and increased with age. Cognition was the only domain included in all studies and the most frequently identified delay. One (1) study reported that more severe SCD genotypes predicted worse development, while five (5) studies reported no difference in rates of developmental delay across genotypes."

RESPONSE: Conditions specifically listed in the State Plan must be known to be associated with a high probability of substantial developmental delay or disability for children birth to age three (3). When the department receives recommendations for conditions to add to the eligibility criteria, the department does a thorough review of all available information and consults with physicians to determine if the condition meets First Steps eligibility criteria and the potential impact to the program. The department did not receive sufficient information to indicate the condition is known to be associated with a high probability of substantial delay or disability in the birth to three (3) population or prevalence rates of the condition in the birth to three (3) population to determine impact to the program. Additional information and review is needed to consider this change. No changes have been made to the State Plan as a result of these comments.

COMMENT #20: The department received two (2) comments on the State Plan requesting to specifically list as many qualifying conditions as possible to increase access to EI services through consultation, a thorough literature review, and a centralized list of expanded diagnoses.

RESPONSE: Conditions specifically listed in the State Plan must

be known to be associated with a high probability of substantial developmental delay or disability for children birth to age three (3). When the department receives recommendations for conditions to add to the eligibility criteria, the department does a thorough review of all available information and consults with physicians to determine if the condition meets First Steps eligibility criteria and the potential impact to the program. No changes have been made to the State Plan as a result of these comments.

COMMENT #21: The department received two (2) comments on the State Plan requesting to change eligibility criteria to two (2) standard deviations from the mean for infants under six (6) months who are not eligible under a diagnosed condition or newborn condition but are referred due to concerns of developmental delay in order to more closely align with First Steps eligibility criteria for all children birth to age three (3). One (1) of the comments stated that SPOEs have been getting more referrals for babies under three (3) months of age who miss one (1) question on the DAYC and qualify with a half-age delay but their standard scores are in the 90s.

RESPONSE: This change has a potential to significantly impact the program. Additional information and review of the impact to the program would be needed to consider this change to the State Plan. No changes have been made to the State Plan as a result of these comments.

COMMENT #22: Niki Clover, SPOE Director, expressed appreciation for changing newborn conditions to allow this category to be used up to thirty-six (36) months and by adding continuous positive airway pressure (CPAP) in the State Plan.

RESPONSE: No changes have been made to the State Plan as a result of this comment.

COMMENT #23: Niki Clover, SPOE Director, requested the addition of weight in pounds and ounces to newborn conditions as 3 pounds and 4.9 ounces in the State Plan.

RESPONSE AND EXPLANATION OF CHANGE: The department has revised the Eligibility Criteria section under Newborn Conditions in the State Plan to read, "for a child referred prior to 36 months of age with a birth weight of 1,500 grams (3.31 pounds or 3 pounds and 4.9 ounces) or less with one or more of the following conditions diagnosed at birth or within 30 days post birth:"

COMMENT #24: Niki Clover, SPOE Director, commented requesting a document to be created, outside of the State Plan, which lists conditions that must go through the Medical Informed Clinical Opinion (ICO) process and are not considered automatic qualifiers.

RESPONSE: This suggestion to make a list outside of the State Plan has been noted. No changes have been made to the rule as a result of this comment.

COMMENT #25: Based on its review, the Office of Childhood made one (1) comment to the State Plan that BPI [Brachial Plexus Injury] and Erb's Palsy appear to be different diagnoses, and stated clarity is needed on which is to be considered for eligibility.

RESPONSE AND EXPLANATION OF CHANGE: Upon review of this comment, the department did not find sufficient information to indicate BPI is known to be associated with a high probability of substantial delay or disability in the birth to three (3) population or prevalence rates of the condition in the birth to three (3) population to determine impact to the program. Additional information and review of the impact to the program would be needed to consider this change. The department has revised the Eligibility Criteria section under

Disorders of the Nervous System in the State Plan to include only "Erb's Palsy."

COMMENT #26: The department received (2) comments on the State Plan for consideration of the methods for holding initial, annual, and transition Individualized Family Service Plan (IFSP) meetings.

RESPONSE: The department is currently reviewing this topic. Additional information and review of the impact to the program would be needed to consider this change. No changes have been made to the State Plan as a result of these comments.

COMMENT #27: Niki Clover, SPOE Director, requested the addition of a statement within the Parental Rights that lets families know they have a right to come forward with their concerns, including speaking with SPOE and department personnel, filing a child complaint, due process, and mediation to resolve disputes.

RESPONSE: The suggestion to make changes to a document outside of the State Plan has been noted. No changes have been made to the State Plan as a result of this comment.

COMMENT #28: Niki Clover, SPOE Director, requested clarification as to the change from Parents as Teachers to Parent Education programs in Missouri.

RESPONSE: Beginning July 1, 2022, the Office of Childhood and the Parents as Teachers National Center (PATNC) entered into a new agreement that will support Parent Education Programs in all Missouri school districts. No changes have been made to the State Plan as a result of this comment.

COMMENT #29: Niki Clover, SPOE Director, requested clarification as to the reason that acquisition of equipment and construction or alteration of facilities was included in the State Plan.

RESPONSE: The language in the State Plan aligns with the requirements in federal regulations. No changes have been made to the State Plan as a result of this comment.

COMMENT #30: Christina Narasimhan, SPOE Director, requested that the family cost participation fee and private insurance billing be removed from the State Plan.

RESPONSE: Under sections 160.920 and 376.1218, RSMo, EI programs must establish a schedule of monthly cost participation fees for each qualifying family and utilize insurance billing for EI services. No changes have been made to the State Plan as a result of this comment.

COMMENT #31: Niki Clover, SPOE Director, suggested that disciplines be listed alphabetically in the Personnel Standards section in the State Plan.

RESPONSE: This comment has been noted. No changes have been made to the State Plan as a result of this comment.

COMMENT #32: The department received five (5) comments with questions about how the comments will be shared and addressed.

RESPONSE: The department responded to public comments as they were received and stated that a summary of comments, with the department's response, will be presented to the State Board of Education during the January 2023 meeting. No changes have been made to the rule as a result of these comments.

COMMENT #33: Based on its review, the Office of Childhood recommends a change to the revision date of the State Plan and section (2) to reflect the changes made in response to public comment.

RESPONSE AND EXPLANATION OF CHANGE: The State Plan and section (2) were updated to show a revision date of January 2023.

5 CSR 25-100.120 Individuals with Disabilities Education Act, Part C

(2) The Missouri state plan for the regulations implementing Part C of the Individuals with Disabilities Education Act (IDEA) First Steps Program contains the administrative provisions for the delivery of the state's federally assisted early intervention system. The Missouri State Plan for the IDEA, Part C, is hereby incorporated by reference and made a part of this rule. A copy of the State Plan for the IDEA, Part C (revised January 2023), is published by and can be obtained from the Department of Elementary and Secondary Education, Office of Childhood, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

Note: The Missouri State Plan for the IDEA, Part C, which is incorporated by reference has also been updated based on the comments.

**TITLE 5 – DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**

Division 25 – Office of Childhood

**Chapter 400 – Licensing Rules for Family Child Care
Homes**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, and sections 210.221, 210.223, and 210.1080, RSMo Supp. 2022, the board amends a rule as follows:

5 CSR 25-400.105 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2022 (47 MoReg 1576–1577). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Elementary and Secondary Education received five (5) comments on the proposed amendment.

COMMENT #1: Amie Alderman inquired about who is responsible for conducting the facility orientation and what information is expected to be trained.

RESPONSE: The requirement for facility orientation outlined in subsection (1)(j) is not a new requirement, rather this requirement became effective August 30, 2019. The child care provider is responsible for ensuring that all staff employed on/after August 30, 2019, receive an orientation to the facility that covers the identified topics within the specified time frame and before being left alone with children. No changes have been made to the rule based on the comment.

COMMENT #2: Amanda White commented on the new language added in subsection (2)(C) and suggested adding a maximum child age limit to avoid confusion.

RESPONSE: A child is already defined in section 210.201, RSMo, as an individual who is under the age of seventeen (17). The

application of this rule means that a maximum number of two (2) children who are five (5) years of age and under the age of seventeen (17) and are related to the family child care home provider, or under court-appointed guardianship or legal custody of a family child care home provider, will not be counted in the licensed capacity. No changes have been made to the rule based on the comment.

COMMENT #3: Based on its review, the Office of Childhood recommends a change to subsection (4)(D) as follows: "The clock hour training shall include one (1) or more of the department-approved content areas. The eight (8) content areas address child development, family-teacher partnerships, child observation, developmentally appropriate practice, early childhood curriculum, professionalism, health/safety, and leadership."

RESPONSE AND EXPLANATION OF CHANGE: The department has revised subsection (4)(D) as recommended.

COMMENT #4: Based on its review, the Office of Childhood recommends removing subsection (4)(I). This section should be removed because the clock hour reassignment requirement will not be necessary in the new professional development system as this will be an automated function.

RESPONSE AND EXPLANATION OF CHANGE: The department has revised the rule by deleting subsection (4)(I).

COMMENT #5: Based on its review, the Office of Childhood recommends revising subsection (5)(A) to state that the department-approved safe sleep training must meet the updated American Academy of Pediatrics safe sleep recommendations released in 2022. The material incorporated by reference also needs to be updated and include information on how a copy of the material can be obtained from the department.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has revised subsection (5)(A).

**5 CSR 25-400.105 The Child Care Provider and Other Child
Care Personnel**

(4) Child Care Training.

(D) The clock hour training shall include one (1) or more of the department-approved content areas. The eight (8) content areas address child development, family-teacher partnerships, child observation, developmentally appropriate practice, early childhood curriculum, professionalism, health and safety, and leadership.

(I) Clock hour training taken prior to beginning employment or becoming licensed at the family child care home may be counted as long as it occurred within that calendar year.

(J) High school coursework shall not be approved for clock hours.

(K) Trainers shall not be awarded clock hours for training sessions which they conducted.

(L) Caregivers shall not be counted in ratio when obtaining clock hour training.

(5) Safe Sleep Training.

(A) Every three (3) years the provider, assistant(s), and volunteers in a family child care home licensed to provide care for infants less than one (1) year of age shall successfully complete department-approved training regarding the American Academy of Pediatrics (AAP) safe sleep recommendations contained in the American Academy of Pediatrics Policy Statement on sleep-related infant deaths. The *Sleep-Related Infant Deaths: Updated 2022 Recommendations for Reducing Infant Deaths in the Sleep Environment*, July 2022, is incorporated by reference in this rule, as published by the American Academy of Pediatrics

and available at <https://publications.aap.org/pediatrics/article/150/1/e2022057990/188304/Sleep-Related-Infant-Deaths-Updated-2022> or as published in *PEDIATRICS* Volume 150, Issue 1, July 2022. A copy can also be obtained from the Department of Elementary and Secondary Education, Office of Childhood, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480 and at <https://dese.mo.gov/governmental-affairs/dese-administrativerules/incorporated-reference-materials>. This rule does not incorporate any subsequent amendments or additions.

1. The training shall be documented and maintained as described in paragraph (4)(E)2. of this rule.

2. The provider, assistant(s), and volunteers in a family child care home shall complete the safe sleep training described in subsection (5)(A) of this rule prior to licensure.

3. The provider and any assistant hired or volunteering at the facility after initial licensure shall complete the safe sleep training described in subsection (5)(A) of this rule within thirty (30) days of employment or volunteering at the facility.

TITLE 7 – MISSOURI DEPARTMENT OF TRANSPORTATION

Division 10 – Missouri Highways and Transportation Commission

Chapter 17 – Supplemental Guide Sign Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under article IV, section 29, *Missouri Constitution*; section 226.535, RSMo 2016; and 23 *United States Code* section 131(f), the commission amends a rule as follows:

7 CSR 10-17.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2022 (47 MoReg 1508-1511). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Highways and Transportation Commission received three (3) comments on the proposed amendment.

COMMENT#1: Garrett Hawkins, President of Missouri Farm Bureau, requested a change to the agritourism subcategory of this rule. The change requested was to permit agritourism sites to qualify using portable restroom facilities instead of a bathroom with a sink with running water and a flushing toilet. The agritourism sites have a very short season, 4-6 weeks, and typically use these temporary facilities to accommodate their guests.

RESPONSE AND EXPLANATION OF CHANGE: The Missouri Highways and Transportation Commission agrees with the request. 7 CSR 10-17.020 (42)(E)4., Agritourism sites, will be modified to include this exception to the tourist attraction qualifications.

COMMENT#2: Garrett Hawkins, President of Missouri Farm Bureau, requested a change to the agritourism subcategory. The change requested was to make an exception for the agritourism subcategory regarding the required number of days per week a site needs to be open. Tourist attractions are required to be open a minimum of five (5) days per week, with one (1)

day being a Saturday or Sunday. The request is to lower this requirement to a minimum of two (2) days per week as these sites are typically only open on weekends.

RESPONSE AND EXPLANATION OF CHANGE: The Missouri Highways and Transportation Commission agrees with the request. 7 CSR 10-17.020 (42)(E)4., Agritourism sites, will be modified to include this exception to the tourist attraction qualifications.

COMMENT#3: Ronald J. Leone, Esq., Executive Director of the Missouri Petroleum & Convenience Association, after identifying an unintentional editorial error in 7 CSR 10-17.050, respectfully requested that MODOT review all the proposed rule changes one additional time to ensure no other inadvertent rule changes were being made.

RESPONSE: The rule was reviewed again and no other errors were identified.

7 CSR 10-17.020 Definitions

(42) "Tourist Attraction" – a tourist-oriented activity where the site's primary function, or offering, is as a natural phenomenon, historic site, cultural site, museum, educational site, area of natural beauty, recreational site, or memorial monument as defined below, and a major portion of whose income or visitors are derived during the normal business season from motorists and are open to the public without reservations. Attendance in any consecutive twelve- (12-) month period shall meet or exceed the minimum requirements established in this rule for the Logo, TODS, or Traffic Generator programs. In addition, qualifying tourist attractions are to be open for business at least three (3) months per year, four (4) hours per day, at least five (5) days per week with at least one (1) day being a Saturday or Sunday unless otherwise indicated in this rule, have public restroom facilities, and a minimum of ten (10) parking spaces.

(E) "Educational site" – sites which include –

1. "Zoological" or "botanical park" – a facility in which living animals, insects, or plants are kept and exhibited to the public;

2. "Facility tours" – regularly scheduled tours of plants, factories, working farms, or institutions where the tours are conducted on a regularly scheduled daily basis conducted during normal working hours of the facility. Tours shall be a minimum of thirty (30) minutes in duration, be educational in format, informing the public how the products from the facility are produced or grown, and be communicated to the public by posting the information on the facility website, pamphlets, brochures, or anywhere the hours of operation for the facility can be found. This does not include retail outlets which do not fabricate or grow their products;

3. "Wineries," "breweries," or "distilleries" – a licensed site which produces a minimum of five hundred (500) gallons of wine, beer, or spirits per year, open to the public for guided tours or tasting, and meet the additional requirements of "facility tours" as defined in this rule; and

4. "Agritourism sites" – An agricultural site open to the public providing the opportunity to visit a working farm, ranch, or other agricultural facility for the purposes of education, participating in the activities of the site, or purchasing products produced by the site. Qualifying sites are those locations where the products are grown/raised and harvested, where visitors can purchase pre-harvested products or have the option to select and harvest products directly from the fields. Examples of qualifying sites include but are not limited to Christmas tree farms, pumpkin patches, blueberry farms, and apple orchards. This does not include remote sites in which agricultural products have been transported for sale away from the farm, ranch, or other agricultural site producing the products. Examples of non-qualifying sites would

include but are not limited to farmers markets, roadside produce stands, and Christmas tree sale lots. Qualifying agritourism sites may only participate in the TODS program and are to be open for business a minimum of four (4) weeks per year, four (4) hours per day, at least two (2) days per week with at least one (1) day being a Saturday or Sunday. Agritourism sites may operate with portable restroom facilities in lieu of a modern sanitary facility comprising sinks with running water and flushing toilets.

**TITLE 7 – MISSOURI DEPARTMENT OF
TRANSPORTATION**

**Division 10 – Missouri Highways and Transportation
Commission**

Chapter 17 – Supplemental Guide Sign Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under article IV, section 29, *Missouri Constitution*; section 226.535, RSMo 2016; and 23 *United States Code* section 131(f), the commission amends a rule as follows:

7 CSR 10-17.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2022 (47 MoReg 1511-1512). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Highways and Transportation Commission received two (2) comments on the proposed amendment.

COMMENT#1: Ronald J. Leone, Esq., Executive Director of the Missouri Petroleum & Convenience Association, after identifying an unintentional editorial error in 7 CSR 10-17.050, respectfully requested that MODOT review all the proposed rule changes one additional time to ensure no other inadvertent rule changes were being made.

RESPONSE: The rule was reviewed again and no other errors were identified.

COMMENT#2: The Joint Committee on Administrative Rules (JCAR) raised a concern about the manner in which fees were accessed and that the fees authorized by the proposed revision did not conform with *Kansas Ass'n of Priv. Investigators v. Mulvihill*, 35 S.W.3d 425, 430 (Mo. App. W.D. 2000).

RESPONSE AND EXPLANATION OF CHANGE: In response to JCAR's concern, this language has been deleted from the proposed revision.

7 CSR 10-17.030 Administration

(10) At the end of their business season, a qualified entity not open year-round will have their sign taken out of service to convey to the public the site is not open.

(A) Signs will be taken in and out of service in one (1) of the following ways, depending on the signing program and the circumstances of the installation:

1. For traffic generator signs – a CLOSED plaque will be placed on the sign(s);
2. For Logo signs – the Logo will be removed from the

Logo sign(s);

3. For TODS sign(s) –

A. The TODS sign(s) will be removed; or

B. A CLOSED plaque will be placed over the directional arrow/mileage display on the sign(s); or

C. If the season of operation can be defined by a term of months, then a supplemental panel(s) can be displayed below the TODS sign(s). Any given month will be displayed only if the site is open at least fifty percent (50%) of that month

**TITLE 7 – MISSOURI DEPARTMENT OF
TRANSPORTATION**

**Division 10 – Missouri Highways and Transportation
Commission**

Chapter 17 – Supplemental Guide Sign Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under article IV, section 29, *Missouri Constitution*; sections 226.020, 226.130, and 226.535, RSMo 2016; and 23 *United States Code* section 131(f), the commission amends a rule as follows:

**7 CSR 10-17.040 Requirements for Tourist Oriented Directional
Signing is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2022 (47 MoReg 1512). No changes were made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Highways and Transportation Commission received one (1) comment on the proposed amendment.

COMMENT#1: Ronald J. Leone, Esq., Executive Director of the Missouri Petroleum & Convenience Association, after identifying an unintentional editorial error in 7 CSR 10-17.050, respectfully requested that MODOT review all the proposed rule changes one additional time to ensure no other inadvertent rule changes were being made.

RESPONSE: The rule was reviewed again and no other errors were identified..

**TITLE 7 – MISSOURI DEPARTMENT OF
TRANSPORTATION**

**Division 10 – Missouri Highways and Transportation
Commission**

Chapter 17 – Supplemental Guide Sign Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under article IV, section 29, *Missouri Constitution*; section 226.535, RSMo 2016; and 23 *United States Code* section 131(f), the commission amends a rule as follows:

7 CSR 10-17.050 is amended.

A notice of proposed rulemaking containing the text of the

proposed amendment was published in the *Missouri Register* on October 17, 2022 (47 MoReg 1512-1514). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Highways and Transportation Commission received two (2) comments on the proposed amendment.

COMMENT#1: Ronald J. Leone, Esq., Executive Director of the Missouri Petroleum & Convenience Association, requested that “diesel” as an accepted alternate message on a Logo sign be reinstated as an option in the Logo program rules.

RESPONSE AND EXPLANATION OF CHANGE: The Missouri Highways and Transportation Commission agrees with the request as the deletion of “diesel” as an acceptable alternate message was unintended. The term “diesel” will be reinstated in subsection (8)(B) of 7 CSR 10-17.050 Logo Signing.

COMMENT#2: Ronald J. Leone, Esq., Executive Director of the Missouri Petroleum & Convenience Association, after identifying an unintentional editorial error in this rule, respectfully requested that MODOT review all the proposed rule changes one additional time to ensure no other inadvertent rule changes were being made.

RESPONSE: The rule was reviewed again and no other errors were identified.

7 CSR 10-17.050 Logo Signing

(8) Logo panels will be constructed and installed as follows:

(B) Logo panels cannot display a message which advertises a product rather than identifying a business. Any exception must be approved by the department. Diesel, ethanol or E-85, Biodiesel or B20, Compressed Natural Gas or CNG, Propane, EV Charging, or Food Mart text may be included on gas Logo panels as a secondary message in the lower portion of the Logo panel; and

TITLE 7 – MISSOURI DEPARTMENT OF TRANSPORTATION

Division 10 – Missouri Highways and Transportation Commission

Chapter 17 – Supplemental Guide Sign Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 226.535, RSMo 2016, and 23 *United States Code* section 131, the commission amends a rule as follows:

7 CSR 10-17.060 Traffic Generators is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2022 (47 MoReg 1514-1515). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Highways and Transportation Commission received one (1) comment on the proposed amendment.

COMMENT#1: Ronald J. Leone, Esq., Executive Director of the Missouri Petroleum & Convenience Association, after identifying an unintentional editorial error in 7 CSR 10-17.050, respectfully requested that MODOT review all the proposed rule changes one additional time to ensure no other inadvertent rule changes were being made.

RESPONSE: The rule was reviewed again and no other errors were identified.

TITLE 7 – MISSOURI DEPARTMENT OF TRANSPORTATION

Division 60 – Highway Safety and Traffic Division Chapter 1 – Motorcycle Safety Education Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 302.134, RSMo 2016, the commission rescinds a rule as follows:

7 CSR 60-1.010 Definitions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 17, 2022 (47 MoReg 1515). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 7 – MISSOURI DEPARTMENT OF TRANSPORTATION

Division 60 – Highway Safety and Traffic Division Chapter 1 – Motorcycle Safety Education Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 302.134, RSMo 2016, the commission adopts a rule as follows:

7 CSR 60-1.010 Definitions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 17, 2022 (47 MoReg 1515-1516). No changes have been made to the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 7 – MISSOURI DEPARTMENT OF TRANSPORTATION

Division 60 – Highway Safety and Traffic Division Chapter 1 – Motorcycle Safety Education Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 302.134, RSMo 2016, the commission rescinds a rule as follows:

7 CSR 60-1.020 Program Sponsor is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 17, 2022 (47 MoReg 1516). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 7 – MISSOURI DEPARTMENT
OF TRANSPORTATION**

**Division 60 – Highway Safety and Traffic Division
Chapter 1 – Motorcycle Safety Education Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 302.134, RSMo 2016, the commission adopts a rule as follows:

7 CSR 60-1.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 17, 2022 (47 MoReg 1516-1517). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Highways and Transportation Commission received eight (8) comments on the proposed rule.

COMMENT #1: The Joint Committee on Administrative Rules (JCAR) staff commented on subsection (1)(B) regarding a criminal history background check, inquiring if people other than motorcycle instructors must undergo a background check, and if so, what kind of check and who pays for it. JCAR also inquired about who pays for the background check and what “pass” implies.

RESPONSE AND EXPLANATION OF CHANGE: The Missouri Highways and Transportation Commission agrees and removes the term “pass” and further explains the costs within subsection (1)(B) and by filing a private cost fiscal note.

COMMENT #2: JCAR staff commented on subsection (1)(E), inquiring what is a division-approved course.

RESPONSE: A division-approved course is a standardized curriculum of instruction approved and recognized in the state of Missouri for motorcycle student and instructor training and skill development. No changes will be made.

COMMENT #3: JCAR staff commented on paragraphs (2)(A)3. and 5. regarding the term “reasonably” and whether a standard has been established when referring to the amount of incline allowed on the motorcycle training range and, if so, by whom.

RESPONSE AND EXPLANATION OF CHANGE: In regards to the incline of the range noted in paragraph (2)(A)3., this sentence is not needed and therefore has been removed. The Missouri Highways and Transportation Commission agrees with the comment and believes the language “reasonably” is not necessary in paragraph (2)(A)5. and therefore has been removed.

COMMENT #4: JCAR staff commented on subsection (2)(B), inquiring what is an “appropriate” first aid kit.

RESPONSE AND EXPLANATION OF CHANGE: The division has removed the language.

COMMENT #5: JCAR staff commented on paragraphs (2)(C)3. and 4. regarding the term “suitable” and whether a standard has been established and, if so, by whom.

RESPONSE AND EXPLANATION OF CHANGE: The Missouri Highways and Transportation Commission agrees with the comment and believes the language “suitable” is not necessary in subsection (2)(C) and therefore has been removed.

COMMENT #6: JCAR staff commented on subsection (2)(D), inquiring if training motorcycles need to be licensed and if this rule conflicts with 7 CSR 60-1.030(2)(C), which says that two (2) students can share a three- (3-) wheeled motorcycle.

RESPONSE: Training motorcycles are not required to be licensed or registered since they are not operated on public roadways. This rule does also not conflict with the three- (3-) wheeled course since the curriculum guidelines for the two- (2-) wheeled course are different due to the motorcycle capabilities and additional features of the three- (3-) wheeled motorcycles. Additionally, a ride share implementation in the two- (2-) wheeled course is not practical and would take additional time for all students to complete the training. No changes will be made.

COMMENT #7: JCAR staff commented on paragraph (2)(D)1. regarding the language “sufficiently” in the rule when referring to the maintenance of the motorcycles and whether a standard has been established and, if so, by whom. JCAR suggests removing the language.

RESPONSE AND EXPLANATION OF CHANGE: The Missouri Highways and Transportation Commission agrees with the comment and will remove the language “sufficiently” in the rule.

COMMENT #8: JCAR staff commented on the School Suspension – Notice and Hearing Requirements regarding the judicial review as a non-contested case. Further, advising that a contested case is defined in statute as “a proceeding before an agency in which legal rights, duties or privileges of specific parties are required by law to be determined after hearing” (section 536.010.4, RSMo), but generally if there is a hearing it is a contested case.

RESPONSE AND EXPLANATION OF CHANGE: The Missouri Highways and Transportation Commission agrees with the comment and will amend the language to reflect a contested case in the rule.

7 CSR 60-1.020 Motorcycle Training School

(1) Motorcycle Training School – Eligibility. An entity seeking approval as an approved motorcycle training school shall –

(B) Provide a list of all individuals employed by the entity and participating in motorcycle training program. Individuals employed by the entity and participating in motorcycle training program must consent to a name search conducted using the Missouri Automated Criminal History System, the cost of which is to be borne by the entity;

(2) Training Site Requirements. A motorcycle training school must have a training site that includes:

(A) A range that –

1. Features a paved surface, including asphalt, concrete, or another all-weather surface of suitable traction in good condition;

2. Is large enough to safely accommodate all courses conducted by the motorcycle school;

3. Is free of vehicular and pedestrian traffic; and

4. Is free of surface hazards and obstacles;

(B) A first aid kit and at least one five- (5-) pound Class ABC fire extinguisher for use at the range;

(C) A classroom that –

1. Is not located in a private residence;

2. Is large enough to accommodate one seat per student and instructor(s);

3. Has a seat and writing surface for each student; and

4. Has audiovisual presentation equipment;

(4) School Suspension – Notice and Hearing Requirements. If the division intends to deny an entity's application for approval as a motorcycle training school or suspend or revoke a previously approved motorcycle training school, notice and opportunity for a hearing must be given as provided by the Missouri Administrative Procedures Act as set forth in Chapter 536, RSMo. Any hearing or administrative or judicial review shall be a contested case. The term of any suspension must not exceed one (1) year and may be reduced by the division if the motorcycle training school has corrected the grounds for suspension.

PRIVATE COST: The proposed rule will cost private entities approximately one hundred forty dollars (\$140) per year for the lifetime of the rule.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Missouri Department of Transportation
Division Title: Highway Safety and Traffic Division
Chapter Title: Motorcycle Safety Education Program**

Rule Number and Title:	7 CSR 60-1.020 Motorcycle Training School
Type of Rulemaking:	Final Order of Rulemaking for Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Ten/year	Motorcycle safety training instructor applicants	\$140/year

III. WORKSHEET

Type of fee	Est. number of entities impacted /year	Proposed fee	Total Proposed	Current fee	Total Current	Difference
Criminal records search	<10	\$14	\$140/year	\$14	\$140/year	0

IV. ASSUMPTIONS

The fee is \$14/record search and less than ten individuals apply each year to be instructors.

This is a result of a proposed rescission and proposed rule being adopted. The fee was the same under the rescinded rule.

**TITLE 7 – MISSOURI DEPARTMENT
OF TRANSPORTATION**

**Division 60 – Highway Safety and Traffic Division
Chapter 1 – Motorcycle Safety Education Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 302.134, RSMo 2016, the commission rescinds a rule as follows:

7 CSR 60-1.030 Motorcycle Instructor is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 17, 2022 (47 MoReg 1517). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received

**TITLE 7 – MISSOURI DEPARTMENT
OF TRANSPORTATION**

**Division 60 – Highway Safety and Traffic Division
Chapter 1 – Motorcycle Safety Education Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 302.134, RSMo 2016, the commission adopts a rule as follows:

7 CSR 60-1.030 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 17, 2022 (47 MoReg 1517-1518). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Highways and Transportation Commission received six (6) comments on the proposed rule.

COMMENT #1: The Joint Committee on Administrative Rules (JCAR) staff commented regarding instructor eligibility and skill requirements to qualify as an instructor. JCAR further commented the term “pass” in subsection (1)(D) is vague.

RESPONSE AND EXPLANATION OF CHANGE: The Missouri Highways and Transportation Commission revised the language in section (1) to further clarify and remove the term “pass.”

COMMENT #2: JCAR staff commented regarding section (3) Curriculum Standards—Entry-Level Course, requesting to include the reference of the *Model National Standards for Entry-Level Motorcycle Rider Training* distributed by the U.S. Department of Transportation, National Highway Traffic Safety Administration.

RESPONSE AND EXPLANATION OF CHANGE: The Missouri Highways and Transportation Commission agrees with the comment and will add the reference and language to the rule.

COMMENT #3: JCAR staff commented regarding the curriculum standards for non-license-waiver courses, interpreting the rule’s general applicability, advising they can’t be determined outside of the rules.

RESPONSE AND EXPLANATION OF CHANGE: The non-license-waiver course is defined in 7 CSR 60-1.010 as a course of instruction in motorcycle operation for experienced motorcyclists that is not an entry-level course. A model for a training course with the exception of the entry-level motorcycle rider training model by the National Highway Traffic Administration (NHTSA), does not exist, therefore it cannot be incorporated by reference. The current curriculum utilized by the Missouri Motorcycle Safety Program (MMSP) is that of the Motorcycle Safety Foundation (MSF). Furthermore, the curriculum may change from that of the MSF, and therefore it is not referenced in rule as to the sole curriculum. The Missouri Highways and Transportation Commission added language for clarification and to add criteria.

COMMENT #4: JCAR staff commented on Instructor Suspension—Notice and Hearing Requirements regarding the judicial review as a non-contested case. Further, advising that a contested case is defined in statute as “a proceeding before an agency in which legal rights, duties or privileges of specific parties are required by law to be determined after hearing” (section 536.010.4, RSMo), but generally if there is a hearing it is a contested case.

RESPONSE AND EXPLANATION OF CHANGE: The Missouri Highways and Transportation Commission agrees with the comment and will amend the language to reflect a contested case in the rule.

COMMENT #5: Ray Pierce with the MMSP commented on 7 CSR 60-1.030 (1)(C), requesting to change “accident” to “crash” to make it consistent with NHTSA publications.

RESPONSE AND EXPLANATION OF CHANGE: The Missouri Highways and Transportation Commission agrees with the comment and will make the change.

COMMENT #6: Ray Pierce with the MMSP requested the removal of “conducted by the division” in 7 CSR 60-1.030 (1)(D).

RESPONSE AND EXPLANATION OF CHANGE: The Missouri Highways and Transportation Commission clarified the procedure used to review instructor applicant’s criminal history to ensure eligibility of 7 CSR 60-1.030.

7 CSR 60-1.030 Motorcycle Training School Instructor

PUBLISHER’S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Instructor Eligibility. To be eligible for approval as an instructor, an applicant must—

(A) Be at least eighteen (18) years old;

(B) Submit a completed application on the form prescribed by the division;

(C) Not have been convicted during the preceding three (3) years of three (3) or more moving violations as defined in section 302.010, RSMo, including violations that resulted in a crash;

(D) The applicant must consent to a name search conducted using the Missouri Automated Criminal History System, the cost of which is to be borne by the applicant, or provide the results of a substantially similar search conducted by another state no more than thirty (30) days prior to the application;

(E) Possess a valid motor vehicle driver license with a motor-

cycle endorsement or the equivalent issued by another state;

(F) Not have been convicted during the preceding three (3) years of the offense of driving while intoxicated (DWI), in violation of section 577.010, RSMo; and

(G) The above requirements outlined in section (1) also apply to out-of-state instructor applicants.

(3) Curriculum Standards – Entry-Level Course. The curriculum for an entry-level course will –

(A) Be determined by the division to meet the *Model National Standards for Entry-Level Motorcycle Rider Training*. The *Model National Standards for Entry-Level Motorcycle Rider Training* is incorporated herein by reference and made a part of this rule as published January 2021 and distributed by the U.S. Department of Transportation, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. This rule does not incorporate any subsequent amendments or additions to this publication;

(B) Include a written examination to ensure students comprehend key concepts as identified in the approved curriculum; and

(C) Include a riding skills test to ensure students can perform the riding skills taught in the course according to the approved curriculum.

(4) Curriculum Standards – Non-License-Waiver Course. The curriculum for a course of instruction in motorcycle operation for a non-license-waiver course must include, at a minimum, the *Model National Standards for Entry-Level Motorcycle Training*.

(5) Instructor Suspension – Notice and Hearing Requirements. If the division intends to deny an applicant's approval as a motorcycle training school instructor or suspend or revoke a previously approved instructor application, notice and opportunity for a hearing must be given as provided by the Missouri Administrative Procedures Act as set forth in Chapter 536, RSMo. Any hearing or administrative or judicial review shall be a contested case. The term of any suspension must not exceed one (1) year and may be reduced by the division if the motorcycle training school has corrected the grounds for suspension.

PRIVATE COST: The proposed rule will cost private entities approximately one hundred forty dollars (\$140) per year for the lifetime of the rule..

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Missouri Department of Transportation
Division Title: Highway Safety and Traffic Division
Chapter Title: Motorcycle Safety Education Program**

Rule Number and Title:	7 CSR 60-1.030 Motorcycle Training School Instructor
Type of Rulemaking:	Final Order of Rulemaking for Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Ten/year	Motorcycle safety training instructor applicants	\$140/year

III. WORKSHEET

Type of fee	Est. number of entities impacted /year	Proposed fee	Total Proposed	Current fee	Total Current	Difference
Criminal records search	<10	\$14	\$140/year	\$14	\$140/year	0

IV. ASSUMPTIONS

The fee is \$14/record search and less than ten individuals apply each year to be instructors.

This is a result of a proposed rescission and proposed rule being adopted. The fee was the same under the rescinded rule.

**TITLE 7 – MISSOURI DEPARTMENT
OF TRANSPORTATION**

**Division 60 – Highway Safety and Traffic Division
Chapter 1 – Motorcycle Safety Education Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 302.134, RSMo 2016, the commission rescinds a rule as follows:

**7 CSR 60-1.040 Student Admission Requirements is
rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 17, 2022 (47 MoReg 1518). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 7 – MISSOURI DEPARTMENT
OF TRANSPORTATION**

**Division 60 – Highway Safety and Traffic Division
Chapter 1 – Motorcycle Safety Education Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 302.134, RSMo 2016, the commission adopts a rule as follows:

7 CSR 60-1.040 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 17, 2022 (47 MoReg 1518-1519). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Highways and Transportation Commission received four (4) comments on the proposed rule.

COMMENT#1: The Joint Committee on Administrative Rules (JCAR) staff commented on subsection (1)(B), inquiring if students over eighteen (18) years old must also sign a medical form.

RESPONSE: The section of the rule referenced in the comment is strictly for prospective students under the age of eighteen (18) seeking admission to a motorcycle training school with permission of a parent or legal guardian. Students over eighteen (18) years old sign a medical form as part of registering for the training course(s). No change will be made.

COMMENT #2: JCAR staff commented on paragraph (3)(E)3., inquiring if a motorcycle provided by the training school for student use in the entry-level course must have an insurance requirement, and if the rider must own a motorcycle to have a motorcycle endorsement.

RESPONSE: In the motorcycle training school agreement it states that insurance is required on any motorcycles they have in their possession. It is not required that the student rider own a motorcycle to obtain a motorcycle endorsement. No change

will be made.

COMMENT #3: Ray Pierce with the Missouri Motorcycle Safety Program (MMSP) commented regarding subsection (1)(B) and the submittal of a notarized letter from the parent. Pierce advised it is not practical for a student to get the waiver notarized. He suggests to delete the last sentence.

RESPONSE AND EXPLANATION OF CHANGE: The Missouri Highways and Transportation Commission agrees with the comment and will remove the last sentence.

COMMENT #4: Ray Pierce with the MMSP commented requesting to add a requirement that students must provide proof of identification in the form of a state-issued driver's license, driving instructional permit, or identification in order to obtain a license testing waiver.

RESPONSE AND EXPLANATION OF CHANGE: The Missouri Highways and Transportation Commission agrees with the comment and will make the addition within subsection (1)(A).

7 CSR 60-1.040 Student Admission Requirements

(1) Student Requirements.

(A) Motorcycle entry-level training courses are open to any person who is at least fifteen and one-half (15 1/2) years old on the day the course begins. The student must provide proof of identification in the form of a state-issued driver license, graduated driver license (GDL), driving instructional permit, or identification in order to obtain a license testing waiver.

(B) A prospective student younger than eighteen (18) years of age seeking admission to an authorized motorcycle training school must provide the motorcycle training school with a letter or form consenting to the student's participation as a student in the course and to receive medical treatment for any injury that may occur at the motorcycle training school executed by the student's parent or legal guardian.

**TITLE 7 – MISSOURI DEPARTMENT
OF TRANSPORTATION
Division 60 – Highway Safety and Traffic Division
Chapter 1 – Motorcycle Safety Education Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 302.134, RSMo 2016, the commission rescinds a rule as follows:

**7 CSR 60-1.050 Verification of Course Completion
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 17, 2022 (47 MoReg 1519). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 7 – MISSOURI DEPARTMENT
OF TRANSPORTATION****Division 60 – Highway Safety and Traffic Division
Chapter 1 – Motorcycle Safety Education Program****ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under section 302.134, RSMo 2016, the commission rescinds a rule as follows:

7 CSR 60-1.060 Approved Motorcycle Training Courses
is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 17, 2022 (47 MoReg 1519-1520). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 7 – MISSOURI DEPARTMENT
OF TRANSPORTATION****Division 60 – Highway Safety and Traffic Division
Chapter 1 – Motorcycle Safety Education Program****ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under section 302.134, RSMo 2016, the commission rescinds a rule as follows:

7 CSR 60-1.070 Motorcycle Requirements **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 17, 2022 (47 MoReg 1520). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 7 – MISSOURI DEPARTMENT
OF TRANSPORTATION****Division 60 – Highway Safety and Traffic Division
Chapter 1 – Motorcycle Safety Education Program****ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under section 302.134, RSMo 2016, the commission rescinds a rule as follows:

7 CSR 60-1.080 Notice and Hearing Requirements
is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 17, 2022 (47 MoReg 1520). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 7 – MISSOURI DEPARTMENT
OF TRANSPORTATION****Division 60 – Highway Safety and Traffic Division
Chapter 1 – Motorcycle Safety Education Program****ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under section 302.134, RSMo 2016, the commission rescinds a rule as follows:

7 CSR 60-1.090 Sponsor Suspension **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 17, 2022 (47 MoReg 1520). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 7 – MISSOURI DEPARTMENT
OF TRANSPORTATION****Division 60 – Highway Safety and Traffic Division
Chapter 1 – Motorcycle Safety Education Program****ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under section 302.134, RSMo 2016, the commission rescinds a rule as follows:

7 CSR 60-1.100 Quality Assurance Visits **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 17, 2022 (47 MoReg 1520-1521). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 7 – MISSOURI DEPARTMENT
OF TRANSPORTATION****Division 60 – Highway Safety and Traffic Division
Chapter 1 – Motorcycle Safety Education Program****ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under section 302.134, RSMo 2016, the commission rescinds a rule as follows:

7 CSR 60-1.110 Sponsor Pre-Suspension Notification
is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 17, 2022 (47 MoReg 1521). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed

rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 16 – RETIREMENT SYSTEMS
Division 50 – The County Employees’
Retirement Fund

Chapter 1 – Organization and Operation of the Board
of Directors

ORDER OF RULEMAKING

By the authority vested in the County Employees’ Retirement Board under section 50.1032, RSMo 2016, the board amends a rule as follows:

16 CSR 50-1.010 General Organization is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2022 (47 MoReg 1677-1678). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 20 – DEPARTMENT OF COMMERCE AND
INSURANCE

Division 2030 – Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Professional Landscape Architects
Chapter 5 – Examinations

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under section 327.041, RSMo 2016, the board amends a rule as follows:

20 CSR 2030-5.110 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2022 (47 MoReg 1718-1719). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received one (1) comment.

COMMENT #1: Board staff commented that, in the process of revising the proposed amendment for publication in the *Missouri Register*, the word “place” was inadvertently deleted from subsection (2)(C). The word “place” should be added before the word “pursuant.”

RESPONSE AND EXPLANATION OF CHANGE: The board concurs and has amended subsection (2)(C).

20 CSR 2030-5.110 Standards for Admission to Examination –
Professional Land Surveyors

(2) On or after January 1, 2024, no person shall apply for examination and licensure as a professional land surveyor in the state of Missouri unless said person is currently enrolled as a land surveyor-intern and meets the requirements of subsection (A).

(C) Any person enrolled as a land surveyor-in-training or land surveyor-intern prior to January 1, 2024, shall only be required to meet the requirements in place pursuant to their enrollment.

TITLE 20 – DEPARTMENT OF COMMERCE AND
INSURANCE

Division 2030 – Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Professional Landscape Architects
Chapter 5 – Examinations

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under section 327.041, RSMo 2016, the board amends a rule as follows:

20 CSR 2030-5.120 Scope of Examination – Land Surveyor-
Intern and Professional Land Surveyors is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2022 (47 MoReg 1719). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 20 – DEPARTMENT OF COMMERCE AND
INSURANCE

Division 2030 – Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Professional Landscape Architects
Chapter 5 – Examinations

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under section 327.041, RSMo 2016, the board amends a rule as follows:

20 CSR 2030-5.130 Reexamination – Land Surveyor-Intern
and Professional Land Surveyor is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2022 (47 MoReg 1719-1720). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 20 – DEPARTMENT OF COMMERCE AND
INSURANCE****Division 2030 – Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Professional Landscape Architects
Chapter 6 – Fees****ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under section 327.041, RSMo 2016, the board amends a rule as follows:

20 CSR 2030-6.015 Application, Renewal, Relicensure and Miscellaneous Fees **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2022 (47 MoReg 1720). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 20 – DEPARTMENT OF COMMERCE AND
INSURANCE****Division 2030 – Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Professional Landscape Architects
Chapter 14 – Definitions****ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under section 327.041, RSMo 2016, the board amends a rule as follows:

20 CSR 2030-14.020 Definition of Baccalaureate Degree from Approved Curriculum as Used in Section 327.312.1(1), RSMo **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2022 (47 MoReg 1720). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 20 – DEPARTMENT OF COMMERCE AND
INSURANCE****Division 2030 – Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Professional Landscape Architects
Chapter 14 – Definitions****ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under section 327.041, RSMo 2016, the board amends a rule as follows:

20 CSR 2030-14.030 Definition of Twenty Semester Hours of Approved Surveying Course Work as Used in Section 327.312.1(2), RSMo **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2022 (47 MoReg 1721). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**TITLE 20 – DEPARTMENT OF COMMERCE AND
INSURANCE****Division 2030 – Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Professional Landscape Architects
Chapter 14 – Definitions****ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under section 327.041, RSMo 2016, the board amends a rule as follows:

20 CSR 2030-14.040 Definition of Twelve Semester Hours of Approved Surveying Course Work as Used in Section 327.312.1(3), RSMo **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2022 (47 MoReg 1721). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 12 – Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

IN ADDITION

3 CSR 10-12.109 Closed Hours

A proposed amendment for this rule was published in the April 1, 2022, issue of the *Missouri Register* (47 MoReg 475). Through an error, subsection (1)(V) was not published as it should have been. Subsection (1)(V) should have been included to show that Lake Springfield and Tailwaters Access were removed from (1)(V). The corrected (1)(V) is printed here as it will appear in the March 31, 2023, update to the *Code of State Regulations*. We apologize for any inconvenience this error has caused.

(1) Closed Hours. The following areas are closed to public use from 10:00 p.m. to 4:00 a.m. daily; however, hunting, fishing, trapping, dog training, camping, launching boats, and landing boats are permitted at any time on areas where these activities are authorized, except as further restricted in this chapter:

(V) Springfield City Utilities (Fellows Lake).

**TITLE 19 – DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 60 – Missouri Health Facilities
Review Committee
Chapter 50 – Certificate of Need Program**

**NOTIFICATION OF REVIEW:
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the CON applications listed below. A decision is tentatively scheduled for May 1, 2023. These applications are available for public inspection at the address shown below.

Date Filed

Project Number: Project Name
City (County)
Cost, Description

1/21/2023

#5995 NS: JP Advance Care, LLC
Kansas City (Clay County)
\$1,500,000, Establish 150-bed SNF

2/16/2023

#5999 HS: Harrison County Community Hospital
Bethany (Harrison County)
\$63,200,000, New/Replace 14-bed critical access hospital
#6000 RS: Aspen Valley Senior Homes – North Crest
Washington (Franklin County)
\$1,436,500, Establish 12-bed ALF
#5991 HS: St. Luke's Surgicenter Lee's Summit

Lee's Summit (Jackson County)
\$2,199,750, Acquire robotic surgery unit

2/17/2023

#6004 RS: Neurological Transitional Center
O'Fallon (St. Charles County)
\$9,655,000, Establish 12-bed ALF
#6003 HS: UHS of Kansas City, LLC – Behavioral Health
Project Independence (Jackson County)
\$63,932,911, Establish 120-bed behavioral health hospital

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by March 23, 2023. All written requests and comments should be sent to –

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
Post Office Box 570
Jefferson City, MO 65102

For additional information contact Alison Dorge at alison.dorge@health.mo.gov.

The Secretary of State is required by sections 347.141 and 359.481, RSMo, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to adrules.dissolutions@sos.mo.gov.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST
CLOVER LEASING, LLC**

Clover Leasing, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State on January 25, 2023. Any and all claims against Clover Leasing, LLC may be sent to Affinity Law Group, LLC, 1610 Des Peres Road, Suite 100, St. Louis, MO 63131. Each claim must include: (i) the name, address, and telephone number of the claimant; (ii) amount of the claim; (iii) basis for the claim; and (iv) documentation of the claim. A claim against Clover Leasing, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY
COMPANY TO ALL CREDITORS OF AND CLAIMANTS
AGAINST GENERAL ALUMINUM SUPPLY COMPANY, LLC**

On February 1, 2023, General Aluminum Supply Company, LLC, filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

Claims against the LLC must be submitted to General Aluminum Supply Company, LLC, c/o Allen & Rector, P. C., Attorneys at Law, 135 Harwood Avenue, P. O. Box 1700, Lebanon, Missouri 65536.

Claims must include (1) the name and address of the claimant, (2) the amount and date of the claim, and (3) a brief description of the basis of the claim, including documentation.

NOTICE: All claims will be barred unless commenced within three years after the date of the publication of this notice.

**Notice of Dissolution of
Limited Liability Company
To All Creditors of and
Claimants Against
Goodfellas Real Estate L.L.C.**

On January 24, 2023, Goodfellas Real Estate L.L.C., a Missouri LLC (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date. Claims against the Company shall be mailed to Denker Law Firm LLC, 229 SE Douglas, Ste 210, Lee's Summit, MO 64063. Claims must include: the name, address and phone number of the claimant; the amount being claimed; the date on which the claim arose; the basis for the claim; and all documentation to support the claim. All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the last publication of the notice.

**Notice of Dissolution of
Limited Liability Company
To All Creditors of and
Claimants Against
TC Diamond Trading L.L.C.**

On January 24, 2023, TC Diamond Trading L.L.C., a Missouri LLC (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date. Claims against the Company shall be mailed to Denker Law Firm LLC, 229 SE Douglas, Ste 210, Lee's Summit, MO 64063. Claims must include: the name, address and phone number of the claimant; the amount being claimed; the date on which the claim arose; the basis for the claim; and all documentation to support the claim. All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the last publication of the notice.

**NOTICE TO UNKNOWN CREDITORS
OF
OLD LCA, LLC**

Old LCA, LLC (the "Company") has been dissolved pursuant to Section 347.137 of the Missouri Limited Liability Company Act by filing Articles of Termination with the Missouri Secretary of State on February 3, 2023. Pursuant to Section 347.141 of the Missouri Limited Liability Company Act, any claims against the Company must be sent to:

William W. Humphrey III
444 West 47th Street
Suite 900
Kansas City, MO 64111

Claim submitted must include the following information: (1) claimant name, address and phone number; (2) name of debtor; (3) account or other number by which the debtor may identify the claimant; (4) a brief description of the nature of the debt or the basis of the claim; (5) the amount of the claim; (6) the date the claim was incurred; and (7) supporting documentation for the claim, if any.

NOTICE; CLAIMS OF CREDITORS OF THE CORPORATION WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE (3) YEARS OF THE DATE OF THIS NOTICE.

**NOTICE OF WINDING UP
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
JESSEE INSURANCE AGENCY, INC.**

On January 4, 2023, JESSEE INSURANCE AGENCY, INC., filed its Articles of Dissolution by Voluntary Action for JESSEE INSURANCE AGENCY, INC., with the Missouri Secretary of State. JESSEE INSURANCE AGENCY, INC., requests that all persons and organizations who have claims against it present them immediately by letter to JESSEE INSURANCE AGENCY, INC., c/o Kory D. Stubblefield, Stubblefield Law, 1903 E. Battlefield Road, Springfield, Missouri 65804.

All claims must include the following information: (a) name and address of the claimant, (b) the amount claimed, (c) date on which the claim arose, (d) basis for the claim and documentation thereof, and (e) whether or not the claim was secured and, if so, the collateral used as security.

All claims against JESSEE INSURANCE AGENCY, INC., will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the date of publication of this notice.

**NOTICE OF WINDING UP FOR
LIMITED LIABILITY COMPANY TO ALL
CREDITORS OF AND CLAIMANTS AGAINST
ZONA ROSA OFFICE PARK, LLC**

On December 23, 2022, Zona Rosa Office Park, LLC, a Missouri limited liability company (the "Company") filed its NOTICE OF WINDING UP FOR A LIMITED LIABILITY COMPANY with the Missouri Secretary of State.

All claims against the Company may be sent to Zona Rosa Office Park, LLC C/O Karl Eberle, 7205 NW Ironwood, Parkville, Missouri 64152. Each claim must include the following:

(1) the claimant's name, address, and telephone number; (2) the amount of the claim; (3) the date on which the claim arose; (4) the basis for the claim; and, (5) documentation in support of the claim.

A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF WINDING UP FOR
USINSJR LLC**

On February 2, 2023, USINSJR LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State. All persons and organizations with claims against the Company must submit a written summary of any claims against the Company to USINSJR LLC c/o THE LAW OFFICE OF JESSE A. GRANNEMAN, LLC, 20 Manor Drive, P.O. Box 250, Troy, Missouri 63379, which summary shall include the name, address, and telephone number of the claimant, the amount of the claim, date(s) the claim accrued, a brief description of the nature and basis for the claim, and any documentation of the claim. Claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*. Citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year – 47 (2022) and 48 (2023). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				47 MoReg 1457
1 CSR 10-1.010	Commissioner of Administration		48 MoReg 304		
1 CSR 10-3.010	Commissioner of Administration		48 MoReg 40		
1 CSR 10-8.010	Commissioner of Administration		This Issue		
1 CSR 15-1.207	Administrative Hearing Commission		47 MoReg 1767		
1 CSR 20-3.070	Personnel Advisory Board and Division of Personnel		This Issue		
1 CSR 20-4.020	Personnel Advisory Board and Division of Personnel		This Issue		
1 CSR 20-6.010	Personnel Advisory Board and Division of Personnel		48 MoReg 306		
1 CSR 60-1.010	Registration for Prescription Drug Monitoring Program		This Issue		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-1.010	Animal Health		This Issue		
2 CSR 30-1.020	Animal Health		This Issue		
2 CSR 30-10.010	Animal Health	48 MoReg 303	48 MoReg 306		
2 CSR 80-5.010	State Milk Board		48 MoReg 307		
2 CSR 90-10.020	Weights, Measures and Consumer Protection		47 MoReg 1424	48 MoReg 209	
2 CSR 90-21.010	Weights, Measures and Consumer Protection		48 MoReg 41		
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.111	Conservation Commission		This Issue		
3 CSR 10-7.410	Conservation Commission		48 MoReg 119		
3 CSR 10-7.431	Conservation Commission		48 MoReg 120		
3 CSR 10-7.433	Conservation Commission		48 MoReg 121		
3 CSR 10-7.450	Conservation Commission		48 MoReg 121		
3 CSR 10-7.455	Conservation Commission			48 MoReg 150	
			48 MoReg 194		
3 CSR 10-9.240	Conservation Commission		This Issue		
3 CSR 10-9.354	Conservation Commission		47 MoReg 1501	48 MoReg 151	
3 CSR 10-9.565	Conservation Commission		47 MoReg 1504	48 MoReg 151	
3 CSR 10-11.110	Conservation Commission		48 MoReg 195		
3 CSR 10-11.111	Conservation Commission		48 MoReg 196		
3 CSR 10-11.112	Conservation Commission		48 MoReg 198		
3 CSR 10-11.115	Conservation Commission		47 MoReg 1281	48 MoReg 152	
3 CSR 10-11.120	Conservation Commission		48 MoReg 121		
3 CSR 10-11.160	Conservation Commission		47 MoReg 1508	48 MoReg 152	
3 CSR 10-11.180	Conservation Commission		This Issue		
3 CSR 10-11.184	Conservation Commission		47 MoReg 1281	48 MoReg 153	
3 CSR 10-11.185	Conservation Commission		47 MoReg 1282	48 MoReg 153	
3 CSR 10-11.210	Conservation Commission		This Issue		
3 CSR 10-11.215	Conservation Commission		47 MoReg 1285	48 MoReg 153	
3 CSR 10-12.109	Conservation Commission				This Issue
3 CSR 10-12.110	Conservation Commission		47 MoReg 1285	48 MoReg 153	
			This Issue		
3 CSR 10-12.115	Conservation Commission		This Issue		
3 CSR 10-12.135	Conservation Commission		47 MoReg 1285	48 MoReg 153	
			This Issue		
3 CSR 10-12.140	Conservation Commission		47 MoReg 1286	48 MoReg 153	
			This Issue		
3 CSR 10-12.145	Conservation Commission		47 MoReg 1289	48 MoReg 154	
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 80-6.010	Economic Development Programs		47 MoReg 1709R	This Issue R	
4 CSR 85-1.010	Division of Business and Community Services		47 MoReg 1709R	This Issue R	
4 CSR 85-3.010	Division of Business and Community Services		47 MoReg 1709R	This Issue R	
4 CSR 85-3.020	Division of Business and Community Services		47 MoReg 1710R	This Issue R	
4 CSR 85-3.030	Division of Business and Community Services		47 MoReg 1710R	This Issue R	
4 CSR 85-3.040	Division of Business and Community Services		47 MoReg 1710R	This Issue R	
4 CSR 85-3.050	Division of Business and Community Services		47 MoReg 1711R	This Issue R	
4 CSR 260-1.010	Division of Savings and Loan Supervision		47 MoReg 1711R	This Issue R	
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 20-100.130	Division of Learning Services		This Issue		
5 CSR 20-100.230	Division of Learning Services		48 MoReg 307		
5 CSR 20-100.340	Division of Learning Services <i>formerly 5 CSR 20-400.400</i>		48 MoReg 200		
5 CSR 20-300.110	Division of Learning Services		48 MoReg 200		
5 CSR 20-400.220	Division of Learning Services	47 MoReg 1419	47 MoReg 1424	48 MoReg 154	
5 CSR 20-400.370	Division of Learning Services		47 MoReg 1425	48 MoReg 524	
5 CSR 20-400.400	Division of Learning Services <i>moved to 5 CSR 20-100.340</i>		48 MoReg 200		
5 CSR 20-400.440	Division of Learning Services		This Issue		
5 CSR 20-400.510	Division of Learning Services		This Issue		
5 CSR 20-400.520	Division of Learning Services		This Issue		
5 CSR 20-400.530	Division of Learning Services		This Issue		

RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
5 CSR 20-400.540	Division of Learning Services		This Issue		
5 CSR 20-400.560	Division of Learning Services		This Issue		
5 CSR 20-400.610	Division of Learning Services		47 MoReg 1077	48 MoReg 95	
5 CSR 20-500.230	Division of Learning Services		This Issue		
5 CSR 20-500.300	Division of Learning Services		48 MoReg 435		
5 CSR 20-500.350	Division of Learning Services		48 MoReg 435		
5 CSR 20-500.360	Division of Learning Services		48 MoReg 436		
5 CSR 25-100.120	Office of Childhood		47 MoReg 1573	This Issue	
5 CSR 25-100.330	Office of Childhood		47 MoReg 1078	48 MoReg 96	
5 CSR 25-200.060	Office of Childhood		47 MoReg 1430	48 MoReg 524	
5 CSR 25-400.105	Office of Childhood		47 MoReg 1576	This Issue	
5 CSR 25-500.102	Office of Childhood		47 MoReg 1577		
5 CSR 30-261.045	Division of Financial and Administrative Services		48 MoReg 201		
DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT					
6 CSR 10-2.080	Commissioner of Higher Education		47 MoReg 1579R	48 MoReg 209R	
6 CSR 10-2.090	Commissioner of Higher Education		47 MoReg 1579R	48 MoReg 209R	
6 CSR 10-2.110	Commissioner of Higher Education		47 MoReg 1767R		
6 CSR 10-2.195	Commissioner of Higher Education		This Issue R		
6 CSR 10-2.210	Commissioner of Higher Education		This Issue		
6 CSR 10-4.030	Commissioner of Higher Education		48 MoReg 122R		
6 CSR 25-1.010	Central Missouri State University		48 MoReg 122R		
6 CSR 250-1.010	University of Missouri		48 MoReg 122R		
6 CSR 250-1.020	University of Missouri		48 MoReg 123R		
6 CSR 250-2.010	University of Missouri		48 MoReg 123R		
6 CSR 250-2.020	University of Missouri		48 MoReg 123R		
6 CSR 250-2.030	University of Missouri		48 MoReg 437R		
6 CSR 250-2.040	University of Missouri		48 MoReg 437R		
6 CSR 250-2.050	University of Missouri		48 MoReg 438R		
MISSOURI DEPARTMENT OF TRANSPORTATION					
7 CSR 10-7.010	Missouri Highways and Transportation Commission		48 MoReg 123		
7 CSR 10-7.030	Missouri Highways and Transportation Commission		48 MoReg 124		
7 CSR 10-17.020	Missouri Highways and Transportation Commission		47 MoReg 1508	This Issue	
7 CSR 10-17.030	Missouri Highways and Transportation Commission		47 MoReg 1511	This Issue	
7 CSR 10-17.040	Missouri Highways and Transportation Commission		47 MoReg 1512	This Issue	
7 CSR 10-17.050	Missouri Highways and Transportation Commission		47 MoReg 1512	This Issue	
7 CSR 10-17.060	Missouri Highways and Transportation Commission		47 MoReg 1514	This Issue	
7 CSR 10-25.020	Missouri Highways and Transportation Commission		47 MoReg 1229	48 MoReg 154	
7 CSR 60-1.010	Highway Safety and Traffic Division		47 MoReg 1515R	This Issue R	
7 CSR 60-1.020	Highway Safety and Traffic Division		47 MoReg 1515	This Issue	
7 CSR 60-1.030	Highway Safety and Traffic Division		47 MoReg 1516R	This Issue R	
7 CSR 60-1.040	Highway Safety and Traffic Division		47 MoReg 1516	This Issue	
7 CSR 60-1.050	Highway Safety and Traffic Division		47 MoReg 1517R	This Issue R	
7 CSR 60-1.060	Highway Safety and Traffic Division		47 MoReg 1517	This Issue	
7 CSR 60-1.070	Highway Safety and Traffic Division		47 MoReg 1518R	This Issue R	
7 CSR 60-1.080	Highway Safety and Traffic Division		47 MoReg 1518	This Issue	
7 CSR 60-1.090	Highway Safety and Traffic Division		47 MoReg 1519R	This Issue R	
7 CSR 60-1.100	Highway Safety and Traffic Division		47 MoReg 1519R	This Issue R	
7 CSR 60-1.110	Highway Safety and Traffic Division		47 MoReg 1520R	This Issue R	
7 CSR 265-9.010	Motor Carrier and Railroad Safety		47 MoReg 1520R	This Issue R	
7 CSR 265-9.020	Motor Carrier and Railroad Safety		47 MoReg 1520R	This Issue R	
7 CSR 265-9.050	Motor Carrier and Railroad Safety		47 MoReg 1520R	This Issue R	
7 CSR 265-9.100	Motor Carrier and Railroad Safety		47 MoReg 1521R	This Issue R	
7 CSR 265-9.110	Motor Carrier and Railroad Safety		48 MoReg 125		
7 CSR 265-9.020	Motor Carrier and Railroad Safety		48 MoReg 125		
7 CSR 265-9.050	Motor Carrier and Railroad Safety		48 MoReg 126		
7 CSR 265-9.100	Motor Carrier and Railroad Safety		48 MoReg 126		
7 CSR 265-9.110	Motor Carrier and Railroad Safety		48 MoReg 127		
DEPARTMENT OF MENTAL HEALTH					
8 CSR 10-4.200	Division of Employment Security		48 MoReg 311R		
8 CSR 40-2.010	State Board of Mediation		48 MoReg 311		
8 CSR 40-2.100	State Board of Mediation		48 MoReg 312		
8 CSR 40-2.140	State Board of Mediation		48 MoReg 312		
8 CSR 40-2.150	State Board of Mediation		48 MoReg 312		
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-5.230	Director, Department of Mental Health		48 MoReg 313		
9 CSR 30-3.190	Certification Standards		47 MoReg 1432R	48 MoReg 209R	
9 CSR 30-7.010	Certification Standards		47 MoReg 1433	48 MoReg 210	
9 CSR 45-2.010	Division of Developmental Disabilities		47 MoReg 1768		
9 CSR 45-2.015	Division of Developmental Disabilities		47 MoReg 1580	48 MoReg 525	
9 CSR 45-2.017	Division of Developmental Disabilities		47 MoReg 1585	48 MoReg 525	
9 CSR 45-2.017	Division of Developmental Disabilities		47 MoReg 1587	48 MoReg 525	
9 CSR 45-2.020	Division of Developmental Disabilities		47 MoReg 1591	48 MoReg 526	
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 20-6.010	Clean Water Commission		47 MoReg 1079	48 MoReg 155	
10 CSR 20-6.200	Clean Water Commission		47 MoReg 1081	48 MoReg 155	
10 CSR 90-2.010	State Parks		47 MoReg 1289	48 MoReg 156	
10 CSR 90-2.030	State Parks		47 MoReg 1290	48 MoReg 157	
10 CSR 90-2.050	State Parks		47 MoReg 1291	48 MoReg 157	

RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 10-11.060	Adjutant General <i>moved to 11 CSR 20-1.060</i>				48 MoReg 163
11 CSR 10-11.080	Adjutant General <i>moved to 11 CSR 20-1.080</i>				48 MoReg 163
11 CSR 10-11.210	Adjutant General <i>moved to 11 CSR 20-1.210</i>				48 MoReg 163
11 CSR 10-11.220	Adjutant General <i>moved to 11 CSR 20-1.220</i>				48 MoReg 163
11 CSR 10-11.230	Adjutant General <i>moved to 11 CSR 20-1.230</i>				48 MoReg 163
11 CSR 10-11.240	Adjutant General <i>moved to 11 CSR 20-1.240</i>				48 MoReg 163
11 CSR 10-11.250	Adjutant General <i>moved to 11 CSR 20-1.250</i>				48 MoReg 163
11 CSR 20-1.060	State Emergency Management Agency <i>formerly 11 CSR 10-11.060</i>				48 MoReg 163
11 CSR 20-1.080	State Emergency Management Agency <i>formerly 11 CSR 10-11.080</i>				48 MoReg 163
11 CSR 20-1.210	State Emergency Management Agency <i>formerly 11 CSR 10-11.210</i>				48 MoReg 163
11 CSR 20-1.220	State Emergency Management Agency <i>formerly 11 CSR 10-11.220</i>				48 MoReg 163
11 CSR 20-1.230	State Emergency Management Agency <i>formerly 11 CSR 10-11.230</i>				48 MoReg 163
11 CSR 20-1.240	State Emergency Management Agency <i>formerly 11 CSR 10-11.240</i>				48 MoReg 163
11 CSR 20-1.250	State Emergency Management Agency <i>formerly 11 CSR 10-11.250</i>				48 MoReg 163
11 CSR 30-1.010	Office of the Director		48 MoReg 201		
11 CSR 30-8.010	Office of the Director		48 MoReg 202R		
11 CSR 30-8.020	Office of the Director		48 MoReg 202R		
11 CSR 30-8.030	Office of the Director		48 MoReg 202R		
11 CSR 30-8.040	Office of the Director		48 MoReg 202R		
11 CSR 30-9.010	Office of the Director		48 MoReg 203R		
11 CSR 30-9.020	Office of the Director		48 MoReg 203R		
11 CSR 30-9.030	Office of the Director		48 MoReg 203R		
11 CSR 30-9.040	Office of the Director		48 MoReg 203R		
11 CSR 30-9.050	Office of the Director		48 MoReg 204R		
11 CSR 40-2.022	Division of Fire Safety		48 MoReg 127		
11 CSR 45-7.010	Missouri Gaming Commission		47 MoReg 1711		
11 CSR 45-7.120	Missouri Gaming Commission		47 MoReg 1711		
11 CSR 45-7.145	Missouri Gaming Commission		47 MoReg 1712		
11 CSR 45-9.030	Missouri Gaming Commission		47 MoReg 1436	48 MoReg 322	
11 CSR 45-9.104	Missouri Gaming Commission		47 MoReg 1436	48 MoReg 322	
11 CSR 45-9.109	Missouri Gaming Commission		47 MoReg 1437	48 MoReg 322	
11 CSR 45-9.112	Missouri Gaming Commission		47 MoReg 1592		
11 CSR 45-9.123	Missouri Gaming Commission		48 MoReg 136		
DEPARTMENT OF REVENUE					
12 CSR 10-2.436	Director of Revenue	48 MoReg 185	48 MoReg 204		
12 CSR 10-2.725	Director of Revenue		48 MoReg 438		
12 CSR 10-24.030	Director of Revenue		48 MoReg 439		
12 CSR 10-26.230	Director of Revenue		48 MoReg 440		
12 CSR 10-26.231	Director of Revenue	48 MoReg 353	48 MoReg 441		
12 CSR 10-41.010	Director of Revenue	47 MoReg 1703	47 MoReg 1712		
12 CSR 10-43.020	Director of Revenue		48 MoReg 441		
12 CSR 10-43.030	Director of Revenue		48 MoReg 442		
12 CSR 10-113.200	Director of Revenue		48 MoReg 314		
12 CSR 10-113.400	Director of Revenue		48 MoReg 315		
12 CSR 10-114.100	Director of Revenue		48 MoReg 136		
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 35-31.100	Children's Division		47 MoReg 1772		
13 CSR 35-60.075	Children's Division		48 MoReg 143		
13 CSR 35-71.095	Children's Division		48 MoReg 315		
13 CSR 40-37.010	Family Support Division		47 MoReg 1437R	48 MoReg 322R	
13 CSR 70-3.030	MO HealthNet Division		47 MoReg 1291	48 MoReg 210	
13 CSR 70-3.200	MO HealthNet Division	This Issue	This Issue		
13 CSR 70-3.230	MO HealthNet Division		48 MoReg 144		
13 CSR 70-8.010	MO HealthNet Division		47 MoReg 1298	48 MoReg 216	
13 CSR 70-20.042	MO HealthNet Division		47 MoReg 1437	47 MoReg 1786W	
			48 MoReg 144		
13 CSR 70-90.010	MO HealthNet Division		47 MoReg 1716		
13 CSR 70-91.010	MO HealthNet Division		This Issue		
13 CSR 70-95.010	MO HealthNet Division		47 MoReg 1299	48 MoReg 157	
13 CSR 70-97.010	MO HealthNet Division		47 MoReg 1716		
13 CSR 70-98.030	MO HealthNet Division		47 MoReg 1438	48 MoReg 323	
13 CSR 110-5.010	Division of Youth Services		47 MoReg 1772		
ELECTED OFFICIALS					
15 CSR 30-51.170	Secretary of State		48 MoReg 145		
15 CSR 30-51.172	Secretary of State		48 MoReg 146		

RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
15 CSR 30-200.015	Secretary of State		47 MoReg 1677		
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16 CSR 50-1.010	The County Employees' Retirement Fund		47 MoReg 1677	This Issue	
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 10-10.020	Office of the Director		48 MoReg 316		
19 CSR 10-15.010	Office of the Director		47 MoReg 1593	48 MoReg 526	
19 CSR 15-7.005	Division of Senior and Disability Services		This Issue		
19 CSR 15-7.010	Division of Senior and Disability Services		This Issue		
19 CSR 15-7.021	Division of Senior and Disability Services		This Issue		
19 CSR 20-20.020	Division of Community and Public Health	47 MoReg 1369	47 MoReg 1371	48 MoReg 157	
19 CSR 20-60.010	Division of Community and Public Health		47 MoReg 1521	48 MoReg 323	
19 CSR 25-30.021	Missouri State Public Health Laboratory	47 MoReg 1706	47 MoReg 1718		
19 CSR 30-1.002	Division of Regulation and Licensure	47 MoReg 1481	47 MoReg 1522	48 MoReg 216	
19 CSR 30-1.015	Division of Regulation and Licensure		47 MoReg 1375	48 MoReg 97	
19 CSR 30-1.017	Division of Regulation and Licensure		47 MoReg 1378	48 MoReg 97	
19 CSR 30-20.144	Division of Regulation and Licensure	47 MoReg 1495	47 MoReg 1532	48 MoReg 216	
19 CSR 30-35.010	Division of Regulation and Licensure		47 MoReg 1538	48 MoReg 323	
19 CSR 30-40.410	Division of Regulation and Licensure	48 MoReg 5	48 MoReg 44		
19 CSR 30-40.420	Division of Regulation and Licensure	48 MoReg 5	48 MoReg 44		
19 CSR 30-40.430	Division of Regulation and Licensure	48 MoReg 11	48 MoReg 54		
19 CSR 30-40.710	Division of Regulation and Licensure	48 MoReg 13	48 MoReg 56		
19 CSR 30-40.720	Division of Regulation and Licensure	48 MoReg 14	48 MoReg 57		
19 CSR 30-40.730	Division of Regulation and Licensure	48 MoReg 21	48 MoReg 66		
19 CSR 30-40.740	Division of Regulation and Licensure	48 MoReg 24	48 MoReg 69		
19 CSR 30-40.750	Division of Regulation and Licensure	48 MoReg 24	48 MoReg 69		
19 CSR 30-40.760	Division of Regulation and Licensure	48 MoReg 31	48 MoReg 77		
19 CSR 30-40.792	Division of Regulation and Licensure		48 MoReg 80		
19 CSR 30-95.010	Division of Regulation and Licensure	48 MoReg 353R	48 MoReg 442R		
19 CSR 30-95.020	Division of Regulation and Licensure	48 MoReg 354R	48 MoReg 442R		
19 CSR 30-95.025	Division of Regulation and Licensure	48 MoReg 354R	48 MoReg 443R		
19 CSR 30-95.028	Division of Regulation and Licensure	48 MoReg 355R	48 MoReg 443R		
19 CSR 30-95.030	Division of Regulation and Licensure	48 MoReg 355R	48 MoReg 443R		
19 CSR 30-95.040	Division of Regulation and Licensure	48 MoReg 356R	48 MoReg 444R		
19 CSR 30-95.050	Division of Regulation and Licensure	48 MoReg 356R	48 MoReg 444R		
19 CSR 30-95.060	Division of Regulation and Licensure	48 MoReg 356R	48 MoReg 444R		
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19 CSR 30-95.100	Division of Regulation and Licensure	48 MoReg 358R	48 MoReg 446R		
19 CSR 30-95.110	Division of Regulation and Licensure	48 MoReg 359R	48 MoReg 446R		
19 CSR 30-105.010	Division of Regulation and Licensure		This Issue		
19 CSR 30-105.020	Division of Regulation and Licensure		This Issue		
19 CSR 30-105.030	Division of Regulation and Licensure		This Issue		
19 CSR 30-105.040	Division of Regulation and Licensure		This Issue		
19 CSR 30-105.050	Division of Regulation and Licensure		This Issue		
19 CSR 30-105.060	Division of Regulation and Licensure		This Issue		
19 CSR 30-105.070	Division of Regulation and Licensure		This Issue		
19 CSR 50-3.020	Division of Injury Prevention, Head Injury Rehabilitation and Local Health Services		48 MoReg 446R		
19 CSR 50-3.030	Division of Injury Prevention, Head Injury Rehabilitation and Local Health Services		48 MoReg 447		
19 CSR 50-3.040	Division of Injury Prevention, Head Injury Rehabilitation and Local Health Services		48 MoReg 448		
19 CSR 60-50	Missouri Health Facilities Review Committee				48 MoReg 99 48 MoReg 164 This Issue
19 CSR 73-2.130	Missouri Board of Nursing Home Administrators		48 MoReg 86		
19 CSR 100-1.010	Division of Cannabis Regulation	48 MoReg 359	48 MoReg 449		
19 CSR 100-1.020	Division of Cannabis Regulation	48 MoReg 363	48 MoReg 453		
19 CSR 100-1.030	Division of Cannabis Regulation	48 MoReg 367	48 MoReg 456		
19 CSR 100-1.040	Division of Cannabis Regulation	48 MoReg 373	48 MoReg 462		
19 CSR 100-1.050	Division of Cannabis Regulation	48 MoReg 383	48 MoReg 473		
19 CSR 100-1.060	Division of Cannabis Regulation	48 MoReg 384	48 MoReg 474		
19 CSR 100-1.070	Division of Cannabis Regulation	48 MoReg 398	48 MoReg 488		
19 CSR 100-1.080	Division of Cannabis Regulation	48 MoReg 401	48 MoReg 491		
19 CSR 100-1.090	Division of Cannabis Regulation	48 MoReg 401	48 MoReg 491		
19 CSR 100-1.100	Division of Cannabis Regulation	48 MoReg 403	48 MoReg 493		
19 CSR 100-1.110	Division of Cannabis Regulation	48 MoReg 411	48 MoReg 500		
19 CSR 100-1.120	Division of Cannabis Regulation	48 MoReg 415	48 MoReg 505		
19 CSR 100-1.130	Division of Cannabis Regulation	48 MoReg 416	48 MoReg 510		
19 CSR 100-1.140	Division of Cannabis Regulation	48 MoReg 422	48 MoReg 515		
19 CSR 100-1.150	Division of Cannabis Regulation	48 MoReg 423	48 MoReg 516		
19 CSR 100-1.160	Division of Cannabis Regulation	48 MoReg 424	48 MoReg 517		
19 CSR 100-1.170	Division of Cannabis Regulation	48 MoReg 425	48 MoReg 518		
19 CSR 100-1.180	Division of Cannabis Regulation	48 MoReg 426	48 MoReg 519		
19 CSR 100-1.190	Division of Cannabis Regulation	48 MoReg 429	48 MoReg 521		
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20 CSR	Applied Behavior Analysis Maximum Benefit				48 MoReg 529
20 CSR	Construction Claims Binding Arbitration Cap				48 MoReg 529
20 CSR	Non-Economic Damages in Medical Malpractice Cap				48 MoReg 326
20 CSR	Sovereign Immunity Limits				47 MoReg 1801

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20 CSR	State Legal Expense Fund Cap				48 MoReg 529
20 CSR 500-1.100	Property and Casualty		48 MoReg 522		
20 CSR 500-4.300	Property and Casualty		47 MoReg 1381	48 MoReg 158	
20 CSR 2010-2.085	Missouri State Board of Accountancy		48 MoReg 86		
20 CSR 2010-2.160	Missouri State Board of Accountancy		48 MoReg 86		
20 CSR 2010-3.060	Missouri State Board of Accountancy		48 MoReg 90		
20 CSR 2010-4.031	Missouri State Board of Accountancy		48 MoReg 90		
20 CSR 2010-4.035	Missouri State Board of Accountancy		48 MoReg 90		
20 CSR 2030-5.110	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		47 MoReg 1718	This Issue	
20 CSR 2030-5.120	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		47 MoReg 1719	This Issue	
20 CSR 2030-5.130	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		47 MoReg 1719	This Issue	
20 CSR 2030-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		47 MoReg 1720	This Issue	
20 CSR 2030-14.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		47 MoReg 1720	This Issue	
20 CSR 2030-14.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		47 MoReg 1721	This Issue	
20 CSR 2030-14.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		47 MoReg 1721	This Issue	
20 CSR 2040-5.070	Office of Athletics		48 MoReg 207		
20 CSR 2063-2.005	Behavior Analyst Advisory Board		47 MoReg 1594	48 MoReg 325	
20 CSR 2063-2.010	Behavior Analyst Advisory Board		47 MoReg 1594	48 MoReg 325	
20 CSR 2095-1.020	Committee for Professional Counselors		47 MoReg 1544	48 MoReg 217	
20 CSR 2110-2.133	Missouri Dental Board	48 MoReg 188	48 MoReg 207		
20 CSR 2115-2.040	State Committee of Dietitians		48 MoReg 317		
20 CSR 2120-1.040	State Board of Embalmers and Funeral Directors		47 MoReg 1443	48 MoReg 158	
20 CSR 2120-2.010	State Board of Embalmers and Funeral Directors		47 MoReg 1443	48 MoReg 158	
20 CSR 2120-2.060	State Board of Embalmers and Funeral Directors		47 MoReg 1445	48 MoReg 158	
20 CSR 2145-2.065	Missouri Board of Geologist Registration		47 MoReg 1595R	48 MoReg 325R	
20 CSR 2150-2.080	State Board of Registration for the Healing Arts	48 MoReg 34	48 MoReg 91		
20 CSR 2150-5.024	State Board of Registration for the Healing Arts		47 MoReg 1381	48 MoReg 97	
20 CSR 2150-7.200	State Board of Registration for the Healing Arts	48 MoReg 37	48 MoReg 93		
20 CSR 2220-2.175	State Board of Pharmacy		48 MoReg 317		
20 CSR 2220-2.400	State Board of Pharmacy	47 MoReg 965			
20 CSR 2220-6.025	State Board of Pharmacy		47 MoReg 1383	48 MoReg 97	
20 CSR 2234-3.010	Board of Private Investigator and Private Fire Investigator Examiners		48 MoReg 147		
20 CSR 2234-3.040	Board of Private Investigator and Private Fire Investigator Examiners		48 MoReg 147		
20 CSR 2235-5.030	State Committee Psychologists		48 MoReg 148		
20 CSR 2245-2.020	Real Estate Appraisers		47 MoReg 1448	48 MoReg 159	
20 CSR 2245-2.030	Real Estate Appraisers		47 MoReg 1448	48 MoReg 159	
20 CSR 2245-3.010	Real Estate Appraisers		47 MoReg 1449	48 MoReg 159	
20 CSR 2245-6.016	Real Estate Appraisers		47 MoReg 1450R	48 MoReg 159R	
20 CSR 2245-6.040	Real Estate Appraisers		47 MoReg 1450R	48 MoReg 160R	
20 CSR 2245-7.060	Real Estate Appraisers		47 MoReg 1450	48 MoReg 160	
20 CSR 2245-8.020	Real Estate Appraisers		47 MoReg 1451	48 MoReg 160	
20 CSR 2245-8.050	Real Estate Appraisers		47 MoReg 1451	48 MoReg 160	
20 CSR 2250-8.060	Missour Real Estate Commission		48 MoReg 523R		
20 CSR 2267-2.020	Office of Tattooing, Body Piercing, and Branding		47 MoReg 1451	48 MoReg 160	
20 CSR 2270-4.050	Missouri Veterinary Medical Board		48 MoReg 149		
20 CSR 4240-40.020	Public Service Commission		47 MoReg 1316	48 MoReg 160	
20 CSR 4240-40.030	Public Service Commission		47 MoReg 1318	48 MoReg 162	
22 CSR 10-2.089	MISSOURI CONSOLIDATED HEALTH CARE PLAN Health Care Plan	47 MoReg 1706	47 MoReg 1722		

EMERGENCY RULE TABLE

AGENCY	PUBLICATION	EFFECTIVE	EXPIRATION
Department of Agriculture			
Animal Health			
2 CSR 30-10.100	Inspection of Meat and Poultry	48 MoReg 303	Jan. 24, 2023. July 22, 2023
Department of Revenue			
Director of Revenue			
12 CSR 10-2.436	SALT Parity Act Implementation	48 MoReg 185	Jan. 11, 2023. July 9, 2023
12 CSR 10-26.231	Maximum Dealer Administrative Fees	48 MoReg 353	Feb. 14, 2023. Aug. 12, 2023
12 CSR 10-41.010	Annual Adjusted Rate of Interest	47 MoReg 1703.	Jan. 1, 2023. June 29, 2023
Department of Social Services			
MO HealthNet Division			
13 CSR 70-3.200	Ambulance Service Reimbursement Allowance	This Issue	Feb. 22, 2023. Aug. 20, 2023
Department of Health and Senior Services			
Missouri State Public Health Laboratory			
19 CSR 25-30.021	Type I Permit.	47 MoReg 1706.	Nov. 16, 2022. May 14, 2023
Division of Regulation and Licensure			
19 CSR 30-1.002	Schedules of Controlled Substances	47 MoReg 1481.	Oct. 3, 2022. March 31, 2023
19 CSR 30-20.144	Standards and Guidelines for Essential Caregiver Program.	47 MoReg 1495.	Sept. 29, 2022. March 27, 2023
19 CSR 30-40.410	Definitions and Abbreviations Relating to Trauma Centers	48 MoReg 5	Dec. 7, 2022. June 4, 2023
19 CSR 30-40.420	Trauma Center Designation Requirements	48 MoReg 5	Dec. 7, 2022. June 4, 2023
19 CSR 30-40.430	Standards for Trauma Center Designation	48 MoReg 11.	Dec. 7, 2022. June 4, 2023
19 CSR 30-40.710	Definitions and Abbreviations Relating to Stroke Centers	48 MoReg 13.	Dec. 7, 2022. June 4, 2023
19 CSR 30-40.720	Stroke Center Designation Application and Review	48 MoReg 14.	Dec. 7, 2022. June 4, 2023
19 CSR 30-40.730	Standards for Stroke Center Designation	48 MoReg 21.	Dec. 7, 2022. June 4, 2023
19 CSR 30-40.740	Definitions and Abbreviations Relating to ST-Segment Elevation Myocardial Infarction (STEMI) Centers	48 MoReg 24	Dec. 7, 2022. June 4, 2023
19 CSR 30-40.750	ST-Segment Elevation Myocardial Infarction (STEMI) Center Designation Application and Review	48 MoReg 24	Dec. 7, 2022. June 4, 2023
19 CSR 30-40.760	Standards for ST-Segment Elevation Myocardial Infarction (STEMI) Center Designation	48 MoReg 31.	Dec. 7, 2022. June 4, 2023
19 CSR 30-95.010	Definitions.	48 MoReg 353	Feb. 3, 2023. Aug. 1, 2023
19 CSR 30-95.020	General Provisions	48 MoReg 354	Feb. 3, 2023. Aug. 1, 2023
19 CSR 30-95.025	Generally Applicable Provisions	48 MoReg 354	Feb. 3, 2023. Aug. 1, 2023
19 CSR 30-95.028	Additional Licensing Procedures	48 MoReg 355	Feb. 3, 2023. Aug. 1, 2023
19 CSR 30-95.030	Qualifying Patient/Primary Caregiver	48 MoReg 355	Feb. 3, 2023. Aug. 1, 2023
19 CSR 30-95.040	Medical Marijuana Facilities Generally.	48 MoReg 356	Feb. 3, 2023. Aug. 1, 2023
19 CSR 30-95.050	Cultivation Facility	48 MoReg 356	Feb. 3, 2023. Aug. 1, 2023
19 CSR 30-95.060	Infused Products Manufacturing Facility	48 MoReg 357	Feb. 3, 2023. Aug. 1, 2023
19 CSR 30-95.070	Testing Facility	48 MoReg 357	Feb. 3, 2023. Aug. 1, 2023
19 CSR 30-95.080	Dispensary Facility	48 MoReg 357	Feb. 3, 2023. Aug. 1, 2023
19 CSR 30-95.090	Seed-to-Sale Tracking	48 MoReg 358	Feb. 3, 2023. Aug. 1, 2023
19 CSR 30-95.100	Transportation Facility	48 MoReg 358	Feb. 3, 2023. Aug. 1, 2023
19 CSR 30-95.110	Physicians	48 MoReg 359	Feb. 3, 2023. Aug. 1, 2023
Division of Cannabis Regulation			
19 CSR 100-1.010	Definitions.	48 MoReg 359	Feb. 3, 2023. Aug. 1, 2023
19 CSR 100-1.020	Generally Applicable Provisions	48 MoReg 363	Feb. 3, 2023. Aug. 1, 2023
19 CSR 100-1.030	Complaints, Inspections, and Investigations	48 MoReg 367	Feb. 3, 2023. Aug. 1, 2023
19 CSR 100-1.040	Consumers, Qualifying Patients, and Primary Caregivers	48 MoReg 373	Feb. 3, 2023. Aug. 1, 2023
19 CSR 100-1.050	Physicians and Nurse Practitioners	48 MoReg 383	Feb. 3, 2023. Aug. 1, 2023
19 CSR 100-1.060	Facility Applications and Selection	48 MoReg 384	Feb. 3, 2023. Aug. 1, 2023
19 CSR 100-1.070	Facility Ownership and Employment	48 MoReg 398	Feb. 3, 2023. Aug. 1, 2023
19 CSR 100-1.080	Facility Employee Training	48 MoReg 401	Feb. 3, 2023. Aug. 1, 2023
19 CSR 100-1.090	Facility Security	48 MoReg 401	Feb. 3, 2023. Aug. 1, 2023
19 CSR 100-1.100	Facilities Generally	48 MoReg 403	Feb. 3, 2023. Aug. 1, 2023
19 CSR 100-1.110	Testing	48 MoReg 411.	Feb. 3, 2023. Aug. 1, 2023
19 CSR 100-1.120	Packaging, Labeling, and Product Design	48 MoReg 415	Feb. 3, 2023. Aug. 1, 2023
19 CSR 100-1.130	Inventory Control and Seed-to-Sale Tracking	48 MoReg 416	Feb. 3, 2023. Aug. 1, 2023
19 CSR 100-1.140	Transportation and Storage.	48 MoReg 422	Feb. 3, 2023. Aug. 1, 2023
19 CSR 100-1.150	Marijuana Waste Disposal	48 MoReg 423	Feb. 3, 2023. Aug. 1, 2023

AGENCY	PUBLICATION	EFFECTIVE	EXPIRATION
19 CSR 100-1.160	Cultivation Facility48 MoReg 424	Feb. 3, 2023.	Aug. 1, 2023
19 CSR 100-1.170	Manufacturing Facilities48 MoReg 425	Feb. 3, 2023.	Aug. 1, 2023
19 CSR 100-1.180	Dispensary Facility48 MoReg 426	Feb. 3, 2023.	Aug. 1, 2023
19 CSR 100-1.190	Microbusinesses48 MoReg 429	Feb. 3, 2023.	Aug. 1, 2023

Department of Commerce and Insurance**Missouri Dental Board**

20 CSR 2110-2.133	Telehealth Dental Pilot Project in Medically Underserved Populations.48 MoReg 188	Jan. 12, 2023.	July 10, 2023
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State Board of Registration for the Healing Arts

20 CSR 2150-2.080	Physician Licensure Fees48 MoReg 34	Jan. 1, 2023.	June 29, 2023
20 CSR 2150-7.200	Physician Assistant Licensure Fees.48 MoReg 37	Jan. 1, 2023.	June 29, 2023

Missouri Consolidated Health Care Plan**Health Care Plan**

22 CSR 10-2.089	Pharmacy Employer Group Waiver Plan for Medicare Primary Members47 MoReg 1706.	Jan. 1, 2023.	June 29, 2023
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The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo.

ORDER	SUBJECT MATTER	FILED DATE	PUBLICATION
2023			
23-02	Extends Executive Order 22-08, the State of Emergency, and waivers until February 28, 2023	January 24, 2023	48 MoReg 433
23-01	Orders the commencement of the Missourians Aging with Dignity Initiative, with directives to support all citizens as they age	January 19, 2023	48 MoReg 431
2022			
22-11	Extends Executive Order 22-08, the State of Emergency, and waivers until January 31, 2023	December 29, 2022	48 MoReg 193
22-10	Declares that the current State of Emergency shall permit certain vehicles be temporarily exempt from some hours of service requirements	December 21, 2022	48 MoReg 191
22-09	Declares a call and order into active service of the organized militia and directs the Missouri State Emergency Operations Plan be activated due to forecasted severe winter storm systems	December 20, 2022	48 MoReg 189
22-08	Declares a State of Emergency and waives certain regulations to allow other registered entities to fill liquefied petroleum gas containers owned by Gygr-Gas	December 15, 2022	48 MoReg 117
22-07	Extends Executive Order 22-04 to address drought-response efforts until March 1, 2023	November 28, 2022	48 MoReg 39
22-06	Closes executive branch state offices for Friday, November 25, 2022	November 7, 2022	47 MoReg 1708
Proclamation	Convenes the One Hundred First General Assembly in the First Extraordinary Session of the Second Regular Session regarding extension of agricultural tax credits and to enact legislation amending Missouri income tax	August 22, 2022	47 MoReg 1420
22-05	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated due to severe storm systems	July 26, 2022	47 MoReg 1279
22-04	Declares a drought alert for 53 Missouri counties and orders the director of the Department of Natural Resources to activate and designate a chairperson for the Drought Assessment Committee	July 21, 2022	47 MoReg 1277
Proclamation	In accordance with <i>Dobbs</i> , Section 188.017, RSMo, is hereby effective as of the date of this order	June 24, 2022	47 MoReg 1075
22-03	Terminates the State of Emergency declared in Executive Order 22-02	February 7, 2022	47 MoReg 411
22-02	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated due to forecasted severe winter storm systems	February 1, 2022	47 MoReg 304
22-01	Establishes and Designates the Missouri Early Childhood State Advisory Council	January 7, 2022	47 MoReg 222

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